

MILTON TOWN COUNCIL MEETING

MILTON, DELAWARE

TOWN COUNCIL MEETING)
JULY 7, 2007)

BEFORE :

MAYOR ED POST,
COUNCILMAN NOBLE PRETTYMAN,
COUNCILWOMAN RONDA MELSON ABRAHAM,
COUNCILWOMAN LEAH BETTS,
COUNCILMAN JOHN FREY,
COUNCILWOMAN MARY HUDSON.

ALSO PRESENT:

JOHN F. BRADY, ESQUIRE
Milton Town Solicitor.

MR. GEORGE DICKERSON,
Milton Town Manager.

ON BEHALF OF THE APPLICANTS LESA & PAUL HOWARD:

ERIC HOWARD, ESQUIRE

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1 MAYOR POST: I'm going to call the executive
2 session to order at --

3 MR. BRADY: Call the Town Council meeting to
4 order.

5 MAYOR POST: No, the executive --

6 MR. BRADY: You have to call the Town
7 Council meeting to order in order to go into executive
8 session.

9 MAYOR POST: Oh, is that right? Okay. I'm
10 going to call the Town Council meeting to order at 6:47
11 on Monday, July 2, 2007.

12 MR. BRADY: Ask for a motion to go into
13 executive session.

14 MAYOR POST: Okay. We want to do a call for
15 who's in attendance.

16 MR. BRADY: Yes, you should do it.

17 MAYOR POST: Yes. And let it go on record
18 Councilman Prettyman, Councilwoman Abraham, Councilwoman
19 Betts, Councilman Frey, Councilwoman Hudson and myself,
20 as Mayor, is present. Councilman Harris is absent.

21 And at this time we need a motion to go into
22 executive session.

23 COUNCILMAN PRETTYMAN: I make a motion to go
24 into executive session to discuss the litigation --

1 COUNCILMAN FREY: Second.

2 COUNCILMAN PRETTYMAN: -- and land
3 acquisition.

4 MAYOR POST: Okay. We have a motion and a
5 second on the floor. All in favor, say aye.

6 COUNCILMAN PRETTYMAN: Aye.

7 COUNCILWOMAN ABRAHAM: Aye.

8 COUNCILWOMAN BETTS: Aye.

9 COUNCILMAN FREY: Aye.

10 COUNCILWOMAN HUDSON: Aye.

11 MAYOR POST: Aye. Motion carried. We will
12 now go into executive session.

13 (Following executive session, not taped or
14 reported:

15 MAYOR POST: Okay. We are now coming out of
16 the executive session at 7:11. And we will need a
17 motion to come out.

18 COUNCILMAN PRETTYMAN: Oh.

19 COUNCILMAN FREY: So moved.

20 COUNCILMAN PRETTYMAN: So moved.

21 MAYOR POST: We have a motion, and we need a
22 second.

23 COUNCILMAN FREY: Second.

24 MAYOR POST: Okay. All in favor, say aye.

1 COUNCILMAN PRETTYMAN: Aye.

2 COUNCILWOMAN ABRAHAM: Aye.

3 COUNCILWOMAN BETTS: Aye.

4 COUNCILMAN FREY: Aye.

5 COUNCILWOMAN HUDSON: Aye.

6 MAYOR POST: Aye. Motion carried. Now we
7 need a motion to open public participation.

8 COUNCILMAN PRETTYMAN: Now, is this for the
9 rezoning?

10 MR. BRADY: It's for the public hearing.

11 MAYOR POST: Public hearing.

12 COUNCILMAN PRETTYMAN: So moved.

13 MAYOR POST: Okay. We need a second for the
14 public hearing.

15 COUNCILWOMAN BETTS: Second.

16 MAYOR POST: Okay. So we have a motion and
17 a second for opening the public hearing. All in favor,
18 say aye.

19 COUNCILMAN PRETTYMAN: Aye.

20 COUNCILWOMAN ABRAHAM: Aye.

21 COUNCILWOMAN BETTS: Aye.

22 COUNCILMAN FREY: Aye.

23 COUNCILWOMAN HUDSON: Aye.

24 MAYOR POST: Aye. Motion carried. Do you

1 want to talk in reference to the -- The public hearing
2 is in regards to the revision of Zoning Ordinances 6.1
3 and 6.1.4.

4 MR. BRADY: Ordinance 2007 -- dash, insert
5 the right number -- an ordinance amends Section 6.1 and
6 6.14 of the Zoning Code of the Town of Milton relating
7 to submission deadlines. Amendment 6.1 of the Zoning
8 Ordinance of the Town of Milton by inserting the
9 following as a new sentence after the current text as
10 follows: Accordingly, all applications with the
11 required document attachments are due for review and
12 eligibility the first business day of the month for the
13 following month's Planning & Zoning Commission meeting.
14 If the requirements infra are not met, a deficiency
15 notice will be issued, and the application will not be
16 placed on the Planning & Zoning meeting agenda until the
17 submission requirements are corrected.

18 Amend Section 6.14 of the Zoning Ordinance
19 of the Town of Milton by striking the existing section
20 and replacing thereto as follows: Applications for
21 preliminary site plan approval shall be made in writing
22 at Town Hall. No application will be scheduled for
23 consideration by the Milton Planning & Zoning Commission
24 until all submission requirements are met and the

1 application is deemed eligible as indicated in Section
2 6.1.

3 Synopsis: This ordinance establishes a new
4 submission deadline to the previous month first day of
5 business for applications seeking Planning & Zoning
6 approval in order to give proper time for the Town
7 Planner, Town Engineer and Town Solicitor for review.

8 Mr. Mayor, this is a reading of the
9 ordinance as proposed for the public hearing as
10 scheduled tonight. Procedurally, most Planning & Zoning
11 Ordinances go first to Planning & Zoning for
12 consideration. The exception is, as we have tonight,
13 this ordinance came from Planning & Zoning where at
14 their May meeting, they unanimously voted its
15 recommendation to Planning & Zoning. Therefore, it's
16 been sent for your ordinance -- for hearing tonight, a
17 reading of which the ordinance has been done, and this
18 is the time and place as advertised for the public
19 hearing.

20 I suggest, Mr. Mayor, that you now open it
21 up for public comment on the ordinance as proposed.

22 COUNCILMAN PRETTYMAN: Excuse me. Excuse
23 me, Mr. Brady. The ordinance is 2007 --

24 MR. BRADY: Dash -- I don't know the number

1 until it's passed.

2 COUNCILMAN PRETTYMAN: Oh, okay. That's
3 right.

4 MR. BRADY: We put them in sequential number
5 when they're passed. But you have me write so many, I
6 don't know what number it's going to be by the time it
7 gets passed.

8 COUNCILMAN PRETTYMAN: Okay. That's right.
9 Thank you.

10 MAYOR POST: Okay. Any public comment
11 regarding this ordinance change?

12 MR. COLLIER: I have one thing to say about
13 this -- John Collier, 301 Coulter -- and that is it's
14 about time. I think this is a move in the right
15 direction, because there's been too many things, in my
16 experience, that have been kind of rushed through and
17 put together at the last minute. And it certainly is
18 a step in the right direction. And I commend the
19 Planning & Zoning for recommending it.

20 MAYOR POST: Thank you. Okay. We will now
21 close the public hearing at 7:16. We go into public --

22 MR. BRADY: Number three, public
23 participation.

24 MAYOR POST: Okay. So we'll now go to

1 public participation. And first, Kathryn Greig.

2 MS. GREIG: Hello, I'm Kathryn Greig of 326
3 Union Street, but speaking as the president of the
4 garden club. If you haven't noticed all the flowers,
5 you then you really do drive through town with your eyes
6 closed, because they are pretty spectacular. And if you
7 really want to see something and you haven't noticed, if
8 you go between the walkway between Antiques in Milton
9 and the building that is vacated by Hillside Flowers,
10 and it's just incredible.

11 Now, all these flowers do cost some money,
12 which brings me to what I'm speaking about tonight. We
13 are very fortunate that the Town helps us out, but we
14 have to raise some money, too. And we are having the
15 garden tour as part of the bicentennial celebration
16 Saturday, August 4th, from 9:00 a.m. to 3:00 p.m. It's
17 going to be a walking tour on Union Street, and I have a
18 flier back here telling you about it.

19 It doesn't tell you a lot of details,
20 though, and I want to tell you that tickets ahead of
21 time, which I have tonight, are 12 bucks, the day of the
22 tour are 15. And it is certainly going to be worth \$12.

23 I was in Mayor Post's shop on Sunday and
24 there were two gentlemen in there talking, and they

1 said: Wow, this is -- you are really going to get your
2 money's worth. There are 18 gardens on Union Street on
3 the tour, 18. Six of those gardens have agreed to allow
4 people to tour their homes. So you are getting six
5 homes, 18 gardens.

6 And Nancy Davis, who is sitting over here,
7 who's a member of the gardening club, is in charge of
8 special events. And I counted tonight, and we have 40
9 different special events happening in the gardens. So
10 that's August 4th, nine a.m. to 3:00 p.m. Tickets are
11 on sale across the street at Antiques in Milton, or I
12 have them tonight if you have a check or money you would
13 like to get rid of. \$12 ahead of time, \$15 the day of
14 the tour. Thanks.

15 MAYOR POST: Thank you, Kathryn. Stephanie
16 Parker.

17 MS. PARKER: I know that the 200th
18 Anniversary Committee and the garden club and a bunch of
19 other town organizations have been working really hard
20 to prepare for the anniversary. I've seen the wonderful
21 banners that have now been put up that have the Town's
22 website on it. Yet, I haven't seen anything on the
23 website about the anniversary or any of the upcoming
24 events. And I was just wondering, now that we are a

1 month away, if anything was going to be put up.

2 MS. COULBOURNE: Stephanie, I put an events
3 calendar up with the complete calendar of events that
4 Charlie Fleetwood provided to me. Today I got a brand
5 new one from Pat Millman, so I had to take the old one
6 down to post the new one today. The website went down
7 while I was posting it. So hopefully, it will be up
8 tomorrow.

9 MS. PARKER: Oh, okay. Great.

10 MAYOR POST: James Welu.

11 COUNCILMAN FREY: Welu.

12 COUNCILMAN PRETTYMAN: Welu.

13 MR. WELU: The name is actually Welu, Welu.
14 I didn't really have a chance to review this agenda, as
15 I checked the bulletin board on Saturday and there was
16 no agenda posted for tonight. And I checked again
17 today, and there was no agenda posted on the Town
18 bulletin board. I'll let Mr. Brady deal with that
19 issue.

20 There are two issues on the agenda that I
21 would like to make quick comments on. One is the
22 approval of the Historic Preservation Ordinance. As I'm
23 sure you all know, the Board of Adjustments denied the
24 demolition permit for 409 Federal Street this past week.

1 I think it's important that anything we can get approved
2 on the Historic Preservation Ordinance as quickly as
3 possible could only be helpful.

4 Also, on New Business, C, the request for
5 conditional use for a physician's office at 506 Union
6 Street, I spoke with Planning & Zoning in opposition to
7 this only as non owner-occupied business. I have no
8 problem with owner occupant combination businesses in a
9 residential zone. But I think that to allow a business
10 to go in strictly as a business and not as an
11 owner-occupied property is moving in the wrong direction
12 in this town. And I would think that it might be
13 helpful -- I don't know whether the property -- the
14 other property on Union Street, which is a non
15 owner-occupied business was approved as a non
16 owner-occupied business. But if it was not approved
17 except as an owner-occupied business, I think it ought
18 to be looked into so we don't have any precedent set. I
19 forget the name of the business, but it's next to doggie
20 treat house, which is owner-occupied. Thank you.

21 MAYOR POST: Thank you. Marie Mayor.

22 MS. MAYER: Good evening. My name is Marie
23 Mayor. I live at 337 Union Street. And I'm here
24 tonight to talk about the proposal for conditional use

1 for the physician's office located at 506 Union Street.
2 I think that it should be an owner-occupied dwelling. I
3 think that the scale of the building should be in
4 keeping with the other houses and buildings on Union
5 Street. I know that you have heard at other times it
6 would be nice for us not to have Union Street turn into
7 Savannah Road in Lewes. And I would like to echo that.

8 I think that the majority of the people on
9 the Planning & Zoning Commission who voted against this
10 were people that were appointed by this Council. And I
11 think in your wisdom, you selected people who would be
12 good stewards of our land and make good recommendations
13 to you. So I hope you follow the recommendation of your
14 committee. Thank you very much.

15 MAYOR POST: Thank you. John Rotach.

16 MR. ROTACH: Good evening. I'm -- Most of
17 you folks probably don't know me here. But I have lived
18 in Milton for a little over six years. And I would like
19 to say first that I've been really impressed and
20 delighted with all the progress I've seen happening in
21 town over the past few years. And I was going to give
22 you a whole list of all the things. But you all know,
23 as well as I do, all the progress that's being made.

24 I'm especially happy with all the new

1 development, the developments that we are seeing going
2 on, and I think that's very positive and very important
3 for Milton.

4 And I see many of these happenings, these
5 new things that are happening in Milton, are supportive
6 of the growth. But one area that I think we are falling
7 short of, at least at this point, is available medical
8 services. I think they are very much needed in this
9 area.

10 I think Dr. Howard's request is an important
11 step in that direction. He isn't only planning to move
12 a doctor's office here, but he's planning to move or
13 requesting to move an established medical practice that
14 has been in Milton -- I'm sorry -- in Lewes for many,
15 many years.

16 I think how the Council acts on this can
17 be -- can have a very positive or a negative effect on
18 our area. You can be very positive if it is approved,
19 because I think it might encourage other doctors to move
20 their practices here, as well, especially with all the
21 rising costs that these doctors are experiencing in
22 Lewes and in other areas. And in the same respect, I
23 think it can be a very negative thing to disapprove it,
24 because I think it could discourage other doctors from

1 considering Milton as a place to move. And I think
2 that's very worthwhile. He isn't asking to put up a
3 convenience store or a gas station or a bar or something
4 that would be offensive in the area. I think a doctor's
5 office is what would fit in nice with the community.

6 And it seems to me that approving
7 Dr. Howard's request is really a no-brainer for the
8 community. Having him here, I think, is going to be a
9 win-win situation. And I encourage you to approve it.
10 And I appreciate the opportunity to have my opinion
11 heard. Thank you.

12 MAYOR POST: Thank you.

13 UNKNOWN SPEAKER: Mr. Mayor, a point of
14 order. According to the provisions here, it says you
15 are able to speak at public participation in you're a
16 town resident or a property owner in the town. I would
17 just like clarification, when people speak, that they
18 meet that criteria.

19 MAYOR POST: Mary Ann Lester.

20 MS. LESTER: Okay. Hi. Mary Ann Lester,
21 311 Mill Street. I would like to speak about the
22 property that Dr. Howard would like to have rezoned. I
23 usually support bringing businesses and professionals to
24 this town, and I hope that we will get many more

1 doctors. I think that would be very helpful. But I
2 think that I would welcome Dr. Howard and any of these
3 other physicians to a place that is already zoned
4 commercial.

5 I think the reference to Savannah Road is
6 very apt, and properties, residential properties, on
7 Savannah Road have suffered in terms of their property
8 value, as more and more of them have been turned into
9 offices. And it does change the character of the
10 entrance street, really our main street.

11 This building that he's talking about is not
12 like we are thinking about like a little doctor's office
13 next door that, you know, a doctor might have in the
14 '50s. This is a big -- you know, medicine today
15 requires larger equipment. It requires -- this one is
16 going to have seven waiting -- seven examining rooms, a
17 3,200-square foot building. It wouldn't look like a
18 residence, and it could never become a residence again.

19 So there's really nothing conditional about
20 it. Once this is established, you've got a doctor's
21 complex with 19 parking spots there. And I think it
22 sets a precedent for the street that we need to think
23 about very carefully. So I would urge you to welcome
24 Dr. Howard to some other commercially zoned property in

1 our town. Thank you.

2 MAYOR POST: Thank you. Ginny Weeks.

3 MS. WEEKS: Ginny Weeks, 119 Clifton Street.

4 I'm speaking as a private citizen and a resident this
5 evening. I would just like to say that I support what
6 Mary Ann said. I can't see if you allow this to happen
7 that this building would ever go back to residential.
8 And it in effect becomes a de facto spot zoning thing.

9 And also, I want you to think about the fact
10 that it's for two doctors, although Dr. Howard testified
11 it may be difficult to find a second doctor. And he
12 testified that a doctor on an ordinary day has 35
13 patients. That means there would be 140 trips in and
14 over -- in or out of that driveway every day. That's an
15 enormous amount of traffic to go on to that little
16 street.

17 And you think it's your duty -- I'm sorry,
18 but I think it's your duty to protect the residents.
19 There's plenty of commercial space available on Union
20 Street -- on 16 between Union and Mulberry. There's a
21 whole big huge area next to Once Upon a Time. Once Upon
22 a Time is for sale.

23 And I understand that Dr. Howard would like
24 to do this because he inherited the land from his

1 mother-in-law and it's cost effective. But I don't
2 think that it's right for the residential areas to have
3 something like this coming on them. Thank you.

4 MAYOR POST: Thank you. Mary Ann Jones.

5 MS. JONES: Mary Ann Jones, 411 Behringer
6 Avenue. I would like to speak this evening in reference
7 to the conditional use of 506 Union Street. I would ask
8 the Mayor and Council to hold the line on the
9 development of commercial business and R-1 residential
10 zoning.

11 Preservation comes in many forms. And I,
12 for one, believe there needs to be a delineation between
13 residential neighborhoods and businesses. Old Milton is
14 simply not large enough for spot zoning. The steady
15 migration of commercial business into residential
16 neighborhoods paves the way for another Savannah Road
17 Extended. We're homeowners overwhelmed by land use
18 decisions, became fed up with the congestion, sell their
19 properties, and simply move away.

20 I encourage the Mayor and Council to support
21 the decision made by your planning and song commission
22 on May 30th and deny the request for conditional use.

23 Second, I still work in some of the flower
24 gardens downtown. Last year I came before the Council

1 and talked about the cleaning up of the parks. I can
2 tell you that early morning Saturday, the trash was so
3 bad it would make you sick. So last year you talked
4 about pulling someone in the city work force, perhaps on
5 a Friday, to kind of clean up whether there was an event
6 or not. And I'm not sure when those trash cans get
7 emptied, but perhaps a little extra just before a
8 weekend would be a big help. Thank you.

9 MAYOR POST: Thank you. That is
10 something -- I don't know. We usually bring in some
11 part-time help, as well, in the summer. I don't know if
12 we have any -- have we brought anybody in? Do you know?

13 7:31:26 UNKNOWN SPEAKER: (Unintelligible).

14 MAYOR POST: Because that helps a lot.
15 Thanks. Okay. What's that? So I'm calling to order
16 the Milton --

17 COUNCILMAN PRETTYMAN: Mayor, someone would
18 like to speak, please.

19 MS. SUMSTINE: Excuse me. May I speak,
20 please? I'm not on the agenda, but I would like to
21 speak about the 506 Union Street. Can I do that now?

22 MAYOR POST: Sure. Okay. You don't have
23 the form filled out or anything?

24 MS. SUMSTINE: No, I don't.

1 MAYOR POST: Okay. All right. We'll just
2 make a note of your name --

3 MS. SUMSTINE: Can I -- yeah, yes. My name
4 is Lisa Bryan Sumstine. My husband Jim and our daughter
5 Kate, we live at 509 Union Street, directly across from
6 506, where Dr. Paul and Lesa Howard are requesting a
7 zoning change in order to move their medical practice.

8 As parents, we've considered what this town
9 has to offer our family. And we are encouraged by their
10 responsible growth and urge you to allow this medical
11 practice to be part of our community. The availability
12 of choice and quality health care in Milton has long
13 been a challenge, and the addition of such a well
14 respected specialist would certainly go a long way
15 towards keeping Milton the center of the families that
16 have called this town home for many years.

17 As a lifelong member of this community, I
18 would also like to appeal to you to allow the Howards to
19 move their practice to Milton. While antique stores and
20 restaurants and boutique shopping is complementary, the
21 presence the presence of this well-respected, thriving
22 specialty medical practice in our community could only
23 be considered a positive addition to all the work this
24 Council has done to make Milton a place where anyone

1 would want to live.

2 Dr. Howard has stated that only about ten
3 percent of his patients live in Milton. That means that
4 if they were granted this zoning change request,
5 90 percent Dr. Howard's practice would be traveling to
6 Milton from other areas. What a great opportunity to
7 share our community. Perhaps these people will not only
8 come for their doctor's appointments but would stay for
9 lunch or a cup of coffee or an ice cream cone.

10 There are two pharmacies in Milton that we
11 can only assume would also benefit directly from a
12 business like this in our community. This is a business
13 that has the ability to positively affect other
14 businesses in our town.

15 Finally, in talking with my neighbors and
16 the other town members, we've all asked ourselves: Why
17 not just move a few doors down the street where the
18 zoning is already in place for a medical practice? And
19 after much thought, my answer to this question is: Why
20 should they? The Howards already own this property.
21 And it's a simple business principle that the lower your
22 overhead, the more you are able to offer your service at
23 a lower rate, another benefit to our community.

24 Additionally, I believe that from a

1 sentimental standpoint, it would be an appropriate
2 attribute to the late Gladys Brittingham, a well-
3 respected businesswoman in this community for many
4 years, that her home be the new home of this medical
5 practice. I knew Gladys, and Milton was her home. In
6 addition to her daughter, I also believe that she would
7 be pleased that her property is being used to offer
8 quality medical services, continuing to make Milton the
9 thriving town that I have called home for 37 years.
10 Thank you.

11 (Applause).

12 MAYOR POST: Okay. I'm going to call to
13 order the Milton Town Council meeting at 7:35. And we
14 will begin with a moment of silence led by Councilwoman
15 Betts. So if you would all please stand.

16 COUNCILWOMAN BETTS: Please stand, please.

17 (Following a moment of silence:)

18 COUNCILWOMAN BETTS: Amen.

19 MAYOR POST: Remain standing for the Pledge
20 of Allegiance.

21 (Following the Pledge of Allegiance:)

22 MAYOR POST: Roll call vote.

23 MR. BRADY: You did the roll call.

24 MAYOR POST: We don't need to do it again?

1 I tell you, changing into executive session is really --
2 Okay. Any additions or corrections to the agenda?

3 COUNCILWOMAN ABRAHAM: I would like to make
4 a motion to remove the presentation of April 4th minutes
5 to the next month's agenda.

6 MR. BRADY: And April 19th?

7 COUNCILWOMAN ABRAHAM: No, I believe we have
8 the 19th.

9 MAYOR POST: We have the 19th's.

10 MR. BRADY: Okay. April 4th to August.

11 Mr. Mayor, you had asked and had previously been
12 referred to me were two proposed ordinances, a tree
13 ordinance and an ordinance to have a separate article
14 for the Historic District Commission.

15 When the agenda was typed last week, I told
16 the Town Clerk I didn't think I would get it done by
17 today. I got it done by today. So you can either amend
18 the agenda now and put it on, or you can put it on for
19 August's agenda. But copies are going to be available
20 up there. And I think they were in the back, or do we
21 have --

22 7:37:40 MS. COULBOURNE: (Unintelligible).

23 MR. BRADY: Okay.

24 MAYOR POST: And they'll be on the website,

1 too.

2 MR. BRADY: But I have these proposed
3 ordinances' draft. They would have to go to
4 Planning & Zoning. And so they could be added to the
5 agenda tonight, or it could be deferred until August and
6 sent to Planning & Zoning at that time. It's your
7 choice.

8 COUNCILMAN PRETTYMAN: I would like to make
9 a motion to defer this until the August meeting 7:38:06
10 (unintelligible).

11 MR. BRADY: Okay. The first motion you had
12 was a motion and second to delay until the August agenda
13 the presentation of April 4th's meeting. You should
14 have enough down vote on that. And then enough down
15 vote on the second motion.

16 MAYOR POST: So on the first motion, do we
17 have a second?

18 COUNCILWOMAN BETTS: I second.

19 MAYOR POST: Okay. We have a motion and a
20 second to move the April 4th meeting approval for the
21 August meeting?

22 COUNCILWOMAN BETTS: Yes.

23 MAYOR POST: August. So we have a first and
24 a second. All in favor say aye.

1 COUNCILWOMAN HUDSON: Aye.

2 COUNCILMAN PRETTYMAN: Aye.

3 COUNCILWOMAN ABRAHAM: Aye.

4 COUNCILWOMAN BETTS: Aye.

5 COUNCILMAN FREY: Aye.

6 MAYOR POST: Motion carried. And the second
7 motion is of Councilman Prettyman --

8 COUNCILMAN PRETTYMAN: To defer the tree
9 ordinance until the August meeting.

10 COUNCILWOMAN BETTS: How about the
11 Historic --

12 MAYOR POST: Well, do you want to defer -- I
13 mean all we need --

14 COUNCILMAN FREY: John? Excuse me, Mayor.

15 MAYOR POST: Yes.

16 COUNCILMAN FREY: Are we just going to take
17 a vote tonight to send it to the planning board?

18 MAYOR POST: Just to send it to P & Z for
19 review, that's all.

20 COUNCILMAN PRETTYMAN: Oh, okay.

21 7:39:06 COUNCILMAN FREY: (Unintelligible).

22 MAYOR POST: That's all, nothing else.

23 MR. BRADY: No, you can't pass it tonight.

24 COUNCILMAN PRETTYMAN: I make a

1 recommendation that we send the tree ordinance --

2 MAYOR POST: There will be nothing acted on.

3 COUNCILMAN PRETTYMAN: -- to P & Z.

4 MAYOR POST: Okay. So I have a motion and a
5 second.

6 COUNCILWOMAN ABRAHAM: Second.

7 MAYOR POST: Do we have a second?

8 COUNCILWOMAN ABRAHAM: Second.

9 COUNCILMAN FREY: Second.

10 MAYOR POST: Okay. All in favor, say aye.

11 COUNCILMAN PRETTYMAN: Aye.

12 COUNCILWOMAN ABRAHAM: Aye.

13 COUNCILWOMAN BETTS: Aye.

14 COUNCILMAN FREY: Aye.

15 COUNCILWOMAN HUDSON: Aye.

16 MR. BRADY: Hold on. All you're doing at
17 this point is adding it to the agenda.

18 MAYOR POST: Right.

19 COUNCILWOMAN ABRAHAM: To be able to send
20 it.

21 MR. BRADY: After you add it to the agenda,
22 you can --

23 COUNCILWOMAN ABRAHAM: Under New Business.

24 MR. BRADY: -- make a motion to send it to

1 Planning & Zoning.

2 COUNCILWOMAN ABRAHAM: So you're adding it
3 under d?

4 MAYOR POST: Right.

5 COUNCILMAN PRETTYMAN: Under d.

6 MAYOR POST: Right. He's going to add the
7 tree ordinance --

8 COUNCILWOMAN ABRAHAM: D.

9 MAYOR POST: -- to the agenda.

10 COUNCILMAN PRETTYMAN: To d.

11 MAYOR POST: The action -- Well, the action
12 will be separate so it doesn't --

13 MR. BRADY: And what do you want to do about
14 the Historic Commission Ordinance? That would be e.

15 MAYOR POST: Which would be the same
16 process. So Councilman Prettyman, do you want to add to
17 your motion --

18 COUNCILWOMAN ABRAHAM: Yeah, that should be
19 the tree ordinance.

20 COUNCILMAN PRETTYMAN: Please.

21 MAYOR POST: The Historic District
22 Commission to the agenda?

23 COUNCILMAN PRETTYMAN: Yes, sir. So moved.

24 MAYOR POST: Okay. We have a motion. Do we

1 have a second?

2 COUNCILWOMAN ABRAHAM: Second.

3 MAYOR POST: All in favor, say aye.

4 COUNCILMAN PRETTYMAN: Aye.

5 COUNCILWOMAN ABRAHAM: Aye.

6 COUNCILWOMAN BETTS: Aye.

7 COUNCILMAN FREY: Aye.

8 COUNCILWOMAN HUDSON: Aye.

9 MAYOR POST: Aye. Motion carried.

10 MR. BRADY: The Historic District Commission
11 ordinance would go to the Board of Adjustment for its
12 review.

13 MAYOR POST: It would be the action when it
14 comes down.

15 MR. BRADY: Correct.

16 MAYOR POST: Okay.

17 MR. BRADY: Just clarifying that motion; it
18 was adding it to send it to the Board of Adjustment.

19 MAYOR POST: All right. Okay. And we're
20 down to the approval of agenda.

21 MR. BRADY: Yes, you need to do that.

22 MAYOR POST: Can we have an approval to
23 amend the agenda as presented?

24 COUNCILMAN FREY: So moved.

1 COUNCILMAN PRETTYMAN: Second.

2 MAYOR POST: Okay. We have a motion and a
3 second. All in favor, say aye.

4 COUNCILMAN PRETTYMAN: Aye.

5 COUNCILWOMAN ABRAHAM: Aye.

6 COUNCILWOMAN BETTS: Aye.

7 COUNCILMAN FREY: Aye.

8 COUNCILWOMAN HUDSON: Aye.

9 MAYOR POST: Aye. Motion carried. We have
10 the presentation of the April 19, 2007 minutes. Can we
11 have a motion to --

12 COUNCILMAN FREY: So moved.

13 COUNCILMAN PRETTYMAN: I make a motion to
14 accept it as written.

15 COUNCILWOMAN ABRAHAM: Second.

16 MAYOR POST: Okay. I have a motion and a
17 second. All in favor of approval of the April 19th
18 minutes, say aye.

19 COUNCILMAN PRETTYMAN: Aye.

20 COUNCILWOMAN ABRAHAM: Aye.

21 COUNCILWOMAN BETTS: Aye.

22 COUNCILMAN FREY: Aye.

23 COUNCILWOMAN HUDSON: Aye.

24 MAYOR POST: Motion carried. Now we move

1 into Committee Reports. 200th Anniversary, Charlie
2 Fleetwood.

3 MR. FLEETWOOD: Do I need to come up to the
4 microphone?

5 MAYOR POST: Yes, please.

6 MR. FLEETWOOD: My name is Charlie
7 Fleetwood. I live at 108 Bay Avenue. And it's been my
8 privilege to serve as Chairman of the 200th Anniversary
9 Committee. The celebration weekend is going to be the
10 first weekend of August. And I just want to let the
11 Council and the Mayor know what's going to happen that
12 weekend.

13 On Friday, August 3rd, there will be a
14 Kickoff Party here at the theater at 7 to 9. There's
15 going to be a Hot Air Balloon Glow in the street in
16 front of the theater at dusk. We're going to close off
17 Union Street. There will be five or six hot air
18 balloons. If you've never seen a hot air balloon glow,
19 bring your camera, because it's awesome. Okay. That's
20 going to be Friday night.

21 Saturday, about 6:00 a.m., for you early
22 risers, there will be hot air balloon flights at H. O.
23 Brittingham School. All day long there will be a Civil
24 War Living History Encampment with a skirmish at

1 10:00 a.m. at Mariner Middle School. From 6 to 10,
2 there's breakfast at Grace Church on Union Street. 6 to
3 11, breakfast and 11:00 a.m. lunch will be served at the
4 Milton VFW Post on Atlantic Avenue. Nine to three at
5 the Milton Wesleyan Church, there will be children's
6 games, breakfast snacks, free water, which will probably
7 be appreciated in August, and a revival.

8 From nine till three, Milton Library will
9 have special activities, including storybook characters
10 and book signings featuring Milton authors. I didn't
11 realize we had this many; The Good Ol' Days by Reverend
12 Dr. Donald Clendaniel; By the Foolishness of Preaching
13 by Reverend Dr. Grace Ruth Batten; A Random Soldier:
14 The Words He Left Behind by Terry Clifton and Richard
15 Chad Clifton, and Tell Me Your Name and The Reckoning by
16 Delaware author -- and I'm not probably going to
17 pronounce this right -- Eric Enck, E-N-C-K.

18 9:00 a.m. to 3:00 p.m., the Lydia B. Cannon
19 Museum will be open with activities for the whole family
20 and free admission that day. 9:00 a.m. to 3:00 p.m.,
21 Union Street tour of -- Mrs. Greig spoke about this --
22 16 -- how many gardens?

23 MS. GREIG: 18.

24 MR. FLEETWOOD: -- 18, 18 gardens and six

1 homes, that's sponsored by the Milton Garden Club. Some
2 will have demonstrations such as basket weaving,
3 artists, wicker repair, and button making.

4 From nine until 3:00 p.m., Sidewalk Art Show
5 on Union Street, sponsored by the -- hosted by the
6 Milton Art Guild. Nine to three, also, bargains on the
7 Broadkill Arts & Crafts Show in Milton Memorial Park by
8 the Milton Chamber of Commerce. Nine to three, the
9 Clipper Express Train is going to ride in the park.
10 That's the Milton Lions Club.

11 Nine to three -- if you notice, a lot of
12 things are going on from nine to three. You'll find out
13 why in a minute. Open house the Golden Rule Lodge
14 Number 17 and Rebecca Lodge Number 24, 315 Chestnut,
15 snacks are for sale.

16 Nine to 3:00 p.m., Milton Little League will
17 have children's amusements, moon bounce, rock climb,
18 games and puzzles, and the concession stand will be open
19 on Atlantic Avenue. Nine to three, open house at the
20 Endeavor Lodge Number 17, 201 Mill Street, free snacks
21 and water.

22 Nine to three, U. S. Post Office will do a
23 postal cancellation for the anniversary date in Milton
24 Memorial Park. This will be a special one that will be

1 done that day. If anybody here is a stamp collector or
2 that type of thing, it's kind of neat to have it. It
3 will be done for one day, and it will have our logo on
4 it.

5 10:00 a.m. to 1:00 p.m., about there, canoe
6 and kayak race, Milton Development Corporation, in the
7 park. And the reason I say about there, it all depends
8 on the wind and tide and how good you are in a kayak.
9 Okay. It could be over at 12. It could be over at two.

10 10:00 a.m. to 2:00 p.m., car and motorcycle
11 show, silent auction, music, and food at the Milton VFW
12 Post on Atlantic Avenue. Ten to three, the Best of the
13 Summer Shorts Videos at the Milton Theater.

14 Ten to two, Health Fair sponsored by the
15 Bethel AME Church on Mulberry Street, co-sponsored by
16 the Cirwithian Family, free health screenings, health
17 information, bike safety, voter registration and
18 give-a-ways.

19 Eleven to five, fried fish and chicken lunch
20 and dinners at the Rising Sun Lodge on Chestnut Street.
21 1:00 p.m. is the official 200th Anniversary Luncheon,
22 Milton Ladies Auxiliary and Fire Department, and you all
23 have been invited to that. Okay. 1:00 p.m., Great
24 Milton Duck Race at the Milton Park Chamber of Commerce.

1 One to 2:30; Milton Historical Society book
2 signing at Lydia B. Cannon Museum with author and Milton
3 native, Joana Stuchlik Donovan. The book is titled It
4 Began With a River: An Illustrated History of Milton
5 and the Broadkill.

6 Okay. 4:00 p.m. -- this is why a lot of
7 things are over at three. 4:00 p.m. is the 200th
8 Anniversary Celebration Parade, Union and Federal
9 Streets. And it is being hosted by the Milton Volunteer
10 Fire Department. If anyone here would like to have a
11 float or a car or whatever or march in the parade,
12 please let D. J. or Denny Hughes know at the fire
13 department, and they'll get you signed up.

14 Following the parade -- they're going to
15 March in the parade, also -- is the 287th US Army Band.
16 They'll have a concert following the parade in the park.

17 Approximately 5:00 p.m., there will be
18 evening hot air balloon flights. Dusk is the Hot Air
19 Balloon Glow at HOB, in case you missed it on Friday
20 night.

21 At 7:00 is the Vinyl Shockley Band Concert
22 at HOB School. That's one of the more popular groups
23 that I have as a host of the Concerts in the Park in the
24 summer.

1 At dark is fireworks. Okay. We are going
2 to have a great fireworks display there. That's going
3 to wind up Saturday.

4 Sunday is not nearly as busy. It's more of
5 a community day, a family day. From six to ten, there
6 will be breakfast at Mount Zion Holy Church. At
7 9:00 a.m., the Boy Scouts Bike Marathon. Okay. I know
8 everybody is going to sign up for that.

9 11:00 a.m. to 5:00 p.m., the museum will be
10 open again with free admission. 1:00 p.m. -- and this
11 is all in the park, Milton Memorial Park, since we now
12 have two. 1:00 p.m. is going to be a community church
13 service conducted by the Milton Ministerial in Milton
14 Memorial Park. 2:00 p.m., a gospel concert by Precious
15 Memories in Milton Memorial Park.

16 3:00 p.m. is going to start old-fashioned
17 children's games and train rides, probably be like
18 three-legged races, sack races, stuff like that for the
19 kids, Milton Lions Club in the park.

20 4:00 p.m., community picnic, or around
21 there, in Milton Memorial Park. And Rising Sun Lodge
22 are going to be the chefs for that.

23 5:30 p.m., Dedication of the Time Capsule at
24 Mill Park on Mulberry Street. We are going to dedicate

1 Committee, Councilwoman Hudson.

2 COUNCILWOMAN HUDSON: The
3 Health & Environmental Committee met June 26th at 6:00
4 at the Milton Library. We had a guest speaker, Linda
5 Whaling from DNREC, and she came and gave a great
6 presentation on rain barrels and rain gardens. And that
7 was a special concern right now with this almost a
8 two-month drought we've been having.

9 If you have four downspouts on your house
10 and you have four rain barrels, just through the summer
11 it can save you over 5,000 gallons of water. And
12 considering what our water rates have been, that would
13 be what it would cost you to irrigate your land, your
14 yard. It would be a considerable savings.

15 Also, she gave out quite a bit of
16 information. And so it was a very interesting -- a very
17 interesting presentation. She showed slides on how to
18 make a rain barrel and make a rain garden. And there
19 were over 20 people there. It was a very good turnout.

20 Our next meeting will be July 24th, again,
21 6:00 at the Milton Library. And we will have another
22 guest speaker from DNREC, Beth Crumrine, and she will
23 speak on stormwater ponds. You have wet ponds, dry
24 ponds, infiltration ponds, and that might be a special

1 concern to people who live in the developments where
2 they have a homeowners association which will be
3 responsible for the maintenance of their stormwater
4 ponds, not only for their routine maintenance, but also
5 their costs.

6 So I hope to see a good number of people on
7 July 24th at 6:00 at the Milton Library to hear our
8 guest speaker on stormwater ponds. Thank you.

9 MAYOR POST: Thank you. And Councilwoman
10 Hudson, Emergency Preparedness.

11 COUNCILWOMAN HUDSON: Our Emergency
12 Preparedness group met June 19th at 6:00 in the library.
13 And our primary goal at this time, one of the things we
14 are working on is Neighborhood Watch. And we have about
15 40 people signed up in over just the three months.
16 Fliers have gone out to people around town. We've had a
17 very good response to that already.

18 And in the past, we've had Bob George from
19 the Delaware Emergency Management Agency. But this past
20 meeting we talked specifically about getting radios,
21 using the grant money from DEMA to get radios for each
22 of the people who sign up for the Neighborhood Watch,
23 hats. We would like to have signs posted around the
24 town. And we also have grant money which will provide

1 training for the Neighborhood Watch and also search
2 training for emergency preparedness.

3 Some of the things that were brought up were
4 the concerns about safety in the town. For example,
5 Corporal Rockwell brought up that there are on a large
6 section of Cannery Village that does not have signs and
7 does not have streetlights. So should he get a call for
8 an intruder, a large section of Cannery Village, he
9 would have a very hard time finding a particular house.
10 So hopefully, that will be something that Councilwoman
11 Betts will look into, the street signs and lights in
12 Cannery Village.

13 MAYOR POST: I just want to comment to that,
14 Councilwoman Hudson, is that my understanding is Cannery
15 Village got a homeowners -- well, not really a
16 homeowner, but a pre homeowners association meeting
17 Saturday before last. And the person that I talked to
18 that lives out at Cannery told me that they are
19 installing the streetlights now. So I think they've
20 started --

21 COUNCILWOMAN HUDSON: I assume --

22 MAYOR POST: -- to make that connection.

23 COUNCILWOMAN HUDSON: -- yeah, as I've
24 ridden my bike out there, I've seen some of the lights

1 go up, go up, being installed. But they seriously need
2 some street signs.

3 Also, the liaison with the police, Mike
4 McNamara, he's a citizen, and he is the liaison with
5 Corporal Rockwell. And they rode around with a light
6 meter through Shipbuilders Village and found out that
7 the lights are significantly dimmer in Shipbuilders
8 Village. And they are hoping that in the future,
9 brighter lights will be installed out there.

10 And so we are hoping that many people will
11 take an interest in the Neighborhood Watch. Right now
12 we are one group. We are not doing patrols. If you
13 happen to be walking and you see something, that's the
14 purpose of the radio so that you don't have to use your
15 personal expense of a cell phone. You can just call in
16 any suspicious activity you see, somebody in your
17 neighbor's yard or on your neighbor's porch. You call
18 it in if you are driving around, if you just happen to
19 be in your own property and you see something. So we
20 don't yet have formal patrols. It's just the people
21 from the Town of Milton looking out for each other.

22 So I hope to see you on July 17th. The
23 Emergency Preparedness Committee is always the third
24 Tuesday of every month, 6:00 in the library. Thank you.

1 MAYOR POST: Thank you.

2 Streets & Sidewalks, Councilwoman Betts.

3 COUNCILWOMAN BETTS: To address Ms. Hudson's
4 comment on the Cannery Village lighting, it's my
5 understanding that some of the streets out there have
6 Not been donated or given over to the town. And that
7 would be the reason that we would not have the
8 streetlights and the signs up as of yet.

9 But going on to the street committee, we
10 have a letter from Mr. -- from Cabe Associates telling
11 us Delmarva Paving Company is committed to completing
12 the 2007 Street Improvements Project well in advance of
13 the discussed Town's events scheduled for early August.

14 As discussed at the pre-construction
15 meeting, we are committed to having the project
16 completed by July 25th. It is our intent to start
17 preparing Chandler Street the second week in July,
18 followed by other street preparation. Upon completion
19 of the project preparation, we will start paving with
20 Chandler Street being our first objective. And that's a
21 little bit later than what we had expected, but they are
22 still guaranteeing us that they will be finished
23 Chandler Street by the first of August. And that's all
24 the Streets.

1 MAYOR POST: Okay. Milton Development,
2 Councilwoman Betts.

3 COUNCILWOMAN BETTS: Charlie took care of a
4 lot of that for me in telling what was coming up. The
5 Best in Summer Shorts is coming July 14, 2007. And then
6 the 200th anniversary kickoff party is Friday,
7 August 3rd, from seven till nine p.m., and the admission
8 is \$35 per person.

9 And then Tidewater Utilities are the
10 sponsorship of the canoe kayak race, and it is scheduled
11 for Saturday, as Charlie said, August 4th.

12 MAYOR POST: Planning & Zoning Commission,
13 Linda Rogers.

14 COUNCILMAN FREY: Make a motion to accept it
15 as written.

16 MAYOR POST: Okay. We have a motion.
17 What's that? I don't think we have -- We have the Board
18 of Adjustment. We don't have one.

19 COUNCILMAN FREY: You have the planning
20 board, also.

21 MAYOR POST: Yes, but we don't have P & Z.

22 COUNCILMAN FREY: I have planning board
23 right here. It's in the packet with the Howard
24 paperwork.

1 COUNCILMAN PRETTYMAN: But that's not --

2 MAYOR POST: But that's part of the back of
3 it. That's not the full report.

4 COUNCILWOMAN BETTS: Yeah.

5 MAYOR POST: So that's the problem with
6 that. Linda, I know -- my understanding was Linda
7 was -- she was running behind a little bit regarding
8 this. She'll have them ready for us on the next
9 meeting. I guess you communicated with her.

10 And we have Board of Adjustment, Historic --
11 we have that in written.

12 COUNCILWOMAN HUDSON: I don't have it.

13 MAYOR POST: Don't you have it?

14 COUNCILWOMAN HUDSON: Well, that one
15 neither.

16 COUNCILMAN FREY: I have both of them.

17 MAYOR POST: No. The one that you have was
18 just --

19 COUNCILWOMAN HUDSON: Oh, in the Howard
20 packet. All right. I have that. Thank you.

21 COUNCILMAN PRETTYMAN: It says Planning
22 Board Minutes, Mr. Mayor.

23 MAYOR POST: It does?

24 COUNCILMAN PRETTYMAN: But that goes to

1 the --

2 COUNCILMAN FREY: That's why I made the
3 motion.

4 MAYOR POST: Why didn't --

5 COUNCILMAN PRETTYMAN: -- the Howard, not
6 with this. Let's see if this is --

7 MAYOR POST: But my understanding, according
8 to Linda Rogers, was that that was not the full,
9 complete minutes.

10 COUNCILMAN FREY: Then it shouldn't have
11 been submitted.

12 MAYOR POST: They are submitted as part of
13 the packet with the Howards' property.

14 COUNCILWOMAN ABRAHAM: It's part of the
15 packet of the Howards'.

16 COUNCILMAN PRETTYMAN: Of the Howards'.

17 MAYOR POST: -- to give us information that
18 was discussed that evening with the Howards', since the
19 Howard parcel is on tonight's agenda. I know it's a
20 little confusing. But it's not the -- we do not have
21 the complete. According to Linda Rogers, we do not have
22 the complete minutes there. So we will have them soon.

23 We have -- we do have the written Board of
24 Adjustments. Any motion to accept those as written?

1 COUNCILMAN PRETTYMAN: So moved.

2 MAYOR POST: Second?

3 COUNCILWOMAN ABRAHAM: Second.

4 MAYOR POST: Okay. We have a motion and a
5 second. All in favor say aye.

6 COUNCILMAN PRETTYMAN: Aye.

7 COUNCILWOMAN ABRAHAM: Aye.

8 COUNCILWOMAN BETTS: Aye.

9 COUNCILMAN FREY: Aye.

10 COUNCILWOMAN HUDSON: Aye.

11 MAYOR POST: Aye. Motion carried. Parks &
12 Recreation, Councilman Harris is not here, but I am
13 going to address, because I have some good news
14 regarding Parks & Recreation.

15 We are meeting -- We called a meeting for
16 Tuesday, July 10th, at 6:00 p.m. at the library. And we
17 will be discussing park equipment in the park, in the
18 Milton Memorial Park in the gazebo. We are going to
19 start major renovations in the park, hopefully within
20 60 days. I was hoping before the 200th Anniversary, but
21 I do not see that happening at this point.

22 But it will be replacing all of the park
23 equipment with more new and exciting equipment for kids.
24 And we are going to be replacing the gazebo, as well as

1 the gas grills and other items. So far we do have a
2 \$50,000 contribution from one of our state
3 representatives, and I do believe we've got some more
4 coming in. So hopefully, we'll be addressing this park.
5 It's been getting -- looking rough, and we're going to
6 get on it now with making this into a really nice park.

7 And Economic Development, again, I will be
8 calling that meeting. I have not called that one yet.
9 But I will be calling that, hopefully, within the next
10 two weeks, as well.

11 And then moving over to written reports, we
12 have the Maintenance Report.

13 COUNCILMAN PRETTYMAN: We accept it as
14 written, a motion to accept it as written.

15 MAYOR POST: Do we have a motion --

16 COUNCILWOMAN HUDSON: You skipped the Town
17 Manager.

18 MAYOR POST: What's that? Oh, I did. Let's
19 go back, before we do that, to Town Manager's Report.
20 Sorry, George.

21 MR. DICKERSON: Good evening. One of the
22 things that -- you have a new report in front of you.
23 It's actually a spreadsheet that looks like this. It
24 says Town of Milton Complaint Report 2007, and it breaks

1 down by the month, starting in February.

2 As most of you were aware, we started a new
3 complaint process when either calls come in to Town Hall
4 or someone comes in. We actually have a complaint form
5 that is filled out, with the person coming in to make
6 the complaint or an observation that they made that need
7 the Town's attentions. We fill those out.

8 The interesting thing about the report that
9 you have in front of you, that the total number from
10 February -- and it was the latter part of February when
11 we actually got started on this. To date there are 97
12 complaints that have been received. Of those, we have
13 completed the tasks that were or the complaints that
14 were actually there with a response that was
15 satisfactory, obviously, because there was a violation
16 or an issue that needed to be adjusted or corrected.

17 We currently have 22 outstanding. We hope
18 to diminish that number, and I'll tell you what I think
19 we'll do. We have the -- The cutoff time has been for
20 the applications to be received for the code enforcement
21 position. There have been interviews. Robin and myself
22 have interviewed applicants with regard to that. And we
23 have identified one that we have made an offer to for
24 the code enforcement. The gentleman, should he accept

1 it, is currently working for a town in Maryland where
2 he's performed the same tasks as we would be asking him
3 to do for the past two years and has done an outstanding
4 job for them and comes to us with some terrific
5 credentials, as far as performing those tasks.

6 But as you see and you read this
7 complaint -- and some are by type of complaint --
8 obviously, there's some on there that are just hard to
9 put into a category, because they are a one-time, random
10 occurrence. However, as the departments have been
11 assigned to them down to the bottom, you can see the
12 numbers that go to -- for example, public works, how
13 many of those were code enforcements, how many of those
14 were dealing with Planning & Zoning issues, utility, tax
15 bills irregularities, complaints. Especially with Allen
16 in public works, water meter readings -- as an example,
17 I think I used too much water this month, and he takes a
18 rereading of that to get it back out there.

19 We find this functioning very well. But I
20 think what this will allow us to do over time is to
21 identify, one, when you call in or you make a complaint
22 to Town Hall, this shows that we are trying to address
23 it. And I hope that that number, when I stand up before
24 you next month, that that 22 -- although I'm sure over

1 the summer, we are going to have increased -- just like
2 now, I mean grass cutting violations and things that are
3 current. We just don't -- I mean we are limited
4 sometimes with staff as to how we can get out there and
5 handle some of these things.

6 If the letter, the job offer that I have
7 extended to this applicant and he accepts it, we're
8 looking for him to come on sometime probably around
9 July 16th, which was in a two-week window to get someone
10 here. And he has some experience. He's not familiar
11 with Delaware ordinances or regulations. But ordinances
12 are ordinances, no matter where you are. It's a matter
13 of reading them, and Robin would be directing and giving
14 him guidance. So I hope you find this useful.

15 MAYOR POST: Now, are you going to post this
16 on the town website?

17 MR. DICKERSON: Yes.

18 MAYOR POST: And I think what's great about
19 this is that -- you know, I know at first it might seem
20 a little encumbersome or more paperwork for people to
21 fill out, and they even do it when people call us. So
22 if we have people calling us and then we call the Town
23 Hall to file the complaint, it is filled out on paper.

24 And the best thing is to track the service,

1 as far as the response time. And you know, I really do
2 think that that will help a lot, to see if somebody has
3 called. You'll know what date they called, what type of
4 action was taken, and if they've gotten any action. And
5 that happens at times, as well.

6 MR. DICKERSON: Yeah. It's working well for
7 us, because it allows -- we have a central person where
8 all complaints come to. They are logged in. And then
9 there is a follow-up through the department who has a
10 requirement to get that back to us in a time frame so
11 that we know: Okay. If there's no action on it,
12 there's a particular file that comes back and says:
13 Okay, you need to look at this, because we haven't
14 gotten a response.

15 We tried with the administrative staff --
16 I've had budget meetings where we have already started
17 to work on budget issues. I'm hoping this year it will
18 go a little smoother than last year, where kind of the
19 reports that were generated to Council in the proposed
20 budget that was presented to you. We have worked out
21 those details in the last year.

22 So this year the department heads have
23 already been given their area, for example, for the
24 public works, police department, administration, project

1 coordinator, which would be Robin's area, and those
2 budget items which come under that department head have
3 been given to them to put in -- they have what last year
4 was, their actual year to date. And they can plug those
5 figures and numbers in, plus anything that they may need
6 for capital expenditures within their individual
7 department. So we already are working towards that.

8 There's a -- and Ms. Betts, I apologize to
9 you. One of the things that we have is the street
10 project that is coming up on Lavinia Street, from
11 Wagamon's, which would be extended out to Mulberry
12 Street. There was a meeting on that, and I just -- I
13 made a note on that. The street paving project, which
14 DNREC had written to us, there was a pre-construction
15 meeting, so that's going to start very soon.

16 COUNCILWOMAN BETTS: I wish you would tell
17 me when those meetings were happening.

18 MR. DICKERSON: I wish I did, too.

19 COUNCILWOMAN BETTS: Yeah.

20 MR. DICKERSON: But it was on here. And I
21 just wanted to mention it, because I had forgotten it.
22 There was -- also, tonight, Mayor, when it gets to New
23 Business, the first item under there, I would like to
24 introduce our guest speaker, who is from DNREC, with

1 regard to the Drains to River Project. And I would like
2 to come back up at that time to introduce her, if I may.

3 MAYOR POST: Fine.

4 MR. DICKERSON: Thank you.

5 MAYOR POST: Thank you.

6 COUNCILMAN FREY: Mr. Mayor.

7 COUNCILWOMAN HUDSON: George.

8 COUNCILMAN FREY: I believe Mr. Dickerson
9 got the \$50,000 for Parks & Recreation from the State?

10 MAYOR POST: There's a -- there's \$50,000
11 that we will be able to spend on parks, yes.

12 COUNCILMAN FREY: I would like to thank -- I
13 would like to thank him for that.

14 MAYOR POST: Thank you.

15 COUNCILWOMAN HUDSON: Mr. Dickerson, I
16 appreciate your efforts to put things on the website.
17 I was questioned about the company venture sales
18 contract, Tidewater -- the Key Venture Sales Agreement,
19 the Tidewater contract, and the Tidewater Amendment
20 Number 1.

21 MR. DICKERSON: Uh-huh.

22 COUNCILWOMAN HUDSON: I haven't been able to
23 find them. Is it something --

24 MR. DICKERSON: Okay.

1 COUNCILWOMAN HUDSON: -- I'm doing or --

2 MR. DICKERSON: I'm not sure. But the
3 answer to the Key Ventures Item Number 1, Mr. Prettyman
4 has asked several times at Town Hall for the signed copy
5 of that. From the last time it was signed -- the parent
6 company of Tidewater is in New Jersey. I have not
7 received back -- Mr. Prettyman, I hope you understand.
8 Your request was for signed copies. The signed copies
9 of those have not come back yet, so I can't provide to
10 you what I don't have. And that was the issue. So I
11 don't have that back.

12 And I would like to defer to Stephanie if
13 the Key Ventures contract is on the web. It should be.
14 If it isn't, then we can certainly put it there.

15 COUNCILWOMAN HUDSON: Okay. Yes, I would
16 like to see those things.

17 MAYOR POST: He can put it on there
18 unsigned, if you have them.

19 MR. DICKERSON: Okay. Stephanie, do you
20 know if there's one on there now? I just -- I can't
21 remember.

22 8:09:23 MS. COULBOURNE: (Unintelligible).

23 MR. DICKERSON: Okay.

24 COUNCILWOMAN HUDSON: There's a -- Well, I

1 couldn't find any --

2 MR. DICKERSON: Okay.

3 COUNCILWOMAN HUDSON: -- any of it today.

4 MR. DICKERSON: Okay.

5 COUNCILWOMAN HUDSON: So if you could work
6 together and hopefully get them -- thank you. I really
7 appreciate that.

8 MR. DICKERSON: Okay. Sure.

9 COUNCILWOMAN HUDSON: Thank you, George.

10 MR. DICKERSON: Anyone else? Okay.

11 MAYOR POST: Okay. We have the -- now move
12 to the written reports, the Maintenance Report. You
13 have the maintenance report in front of you.

14 COUNCILMAN PRETTYMAN: I make a motion that
15 we accept it as read, the June 2007 Maintenance Report.

16 MAYOR POST: We have a motion and a second.
17 All in favor to accept the monthly -- or the Maintenance
18 Report, say aye.

19 COUNCILMAN PRETTYMAN: Aye.

20 COUNCILWOMAN ABRAHAM: Aye.

21 COUNCILWOMAN BETTS: Aye.

22 COUNCILMAN FREY: Aye.

23 COUNCILWOMAN HUDSON: Aye.

24 MAYOR POST: Aye. Motion carried. And

1 also, the -- well, they received it. The 2006 Consumer
2 Confidence Report.

3 COUNCILMAN PRETTYMAN: The what?

4 MAYOR POST: -- are available on the
5 website. But we got notification, also, as residents.
6 But it's on the website, as well, the complete report.

7 COUNCILWOMAN HUDSON: The Key Ventures
8 Agreement, Tidewater --

9 MAYOR POST: Code Enforcer, you have your
10 Code Enforcer's Written --

11 COUNCILMAN PRETTYMAN: I make a motion we
12 that we accept the Code Enforcer's for June 2007.

13 UNKNOWN SPEAKER: Mr. Mayor, I'm sorry.

14 MAYOR POST: That's --

15 UNKNOWN SPEAKER: As a member of the
16 Historic Preservation Commission, I wanted to let you
17 know that there is an error on the Code Enforcer's
18 Report. If I may --

19 MAYOR POST: Okay.

20 UNKNOWN SPEAKER: -- under the item, the
21 Historic Preservation Board, the second item, it was not
22 denied, sir. It was tabled and sent for community
23 8:11:04 (unintelligible).

24 COUNCILWOMAN HUDSON: Which one?

1 COUNCILMAN PRETTYMAN: Which one? The

2 4/20 --

3 COUNCILWOMAN BETTS: Which one?

4 COUNCILMAN PRETTYMAN: -- or the first one,
5 the building --

6 UNKNOWN SPEAKER: The 113 Union Street unit
7 fee was not denied. It was tabled.

8 COUNCILMAN PRETTYMAN: Okay.

9 MAYOR POST: Okay.

10 COUNCILMAN PRETTYMAN: Thank you.

11 UNKNOWN SPEAKER: I'm sorry for the
12 interruption.

13 MAYOR POST: No, I appreciate that. That's
14 important. So that's --

15 COUNCILMAN PRETTYMAN: Okay. It's the --

16 MAYOR POST: It's this one here.

17 COUNCILMAN PRETTYMAN: P & Z, 113.

18 MAYOR POST: Can we have a motion as
19 corrected?

20 COUNCILMAN PRETTYMAN: I make the motion as
21 corrected, the 113 status from denied to tabled in the
22 June Code Enforcer's Report for June 2007.

23 MAYOR POST: Did you state specifically that
24 in reference to the Melissa Reed, the signed permit at

1 113 Union Street, Unit B, was referred to Town
2 Solicitor --

3 COUNCILMAN PRETTYMAN: To be tabled.

4 MAYOR POST: Wasn't it referred over to
5 the --

6 MR. BRADY: Yes, tabled and referred.

7 MAYOR POST: Tabled and referred. Okay.

8 COUNCILMAN PRETTYMAN: Yes.

9 MAYOR POST: So we have a motion to accept
10 the Code Enforcement Report as amended. Do we have a
11 second?

12 COUNCILWOMAN ABRAHAM: Second.

13 MAYOR POST: All in favor say aye.

14 COUNCILMAN PRETTYMAN: Aye.

15 COUNCILWOMAN ABRAHAM: Aye.

16 COUNCILWOMAN BETTS: Aye.

17 COUNCILMAN FREY: Aye.

18 COUNCILWOMAN HUDSON: Aye.

19 MAYOR POST: Aye. Motion carried. Police
20 Report?

21 COUNCILMAN PRETTYMAN: I would like to table
22 Police Report this evening, because I just got it. But
23 I still haven't determined -- Oh, well, do that. Just a
24 second. There's nothing I want to say here.

1 MAYOR POST: Okay.

2 COUNCILWOMAN ABRAHAM: I'll second it.

3 COUNCILMAN PRETTYMAN: Thank you. Okay.

4 MAYOR POST: Okay. We have -- Okay. We
5 have a motion and a second. Any discussion?

6 COUNCILMAN PRETTYMAN: Yes. I'm looking at
7 this, and I'm getting very -- oh, I don't know. The
8 juvenile problems here in the town has skyrocketed this
9 year. And you know -- and I realize we have
10 developments that are coming here. They are building,
11 but they are not providing any recreation for their
12 center. And we just lost what I thought we had at
13 Shipbuilders and everything. And --

14 COUNCILWOMAN ABRAHAM: And the Boys & Girls
15 Club is sharing a room at the school, which is very
16 small.

17 COUNCILMAN PRETTYMAN: Yes. So I don't
18 know -- I mean but this crime is going up, and now the
19 school is out. If it's up this high of a rate at 136
20 and 140 in --

21 COUNCILWOMAN ABRAHAM: In June.

22 COUNCILMAN PRETTYMAN: -- in June, by the
23 end of July it will be off the record. And you know,
24 I've got a lot of concerns about this, our youth and

1 there's nothing here for them to do, where we can do to
2 help out our --

3 COUNCILWOMAN BETTS: I think we should look
4 into it.

5 COUNCILMAN PRETTYMAN: Okay. I just wanted
6 to -- I have concerns.

7 COUNCILWOMAN BETTS: Maybe we should talk to
8 the chief.

9 COUNCILMAN PRETTYMAN: Hmm?

10 COUNCILWOMAN BETTS: Let's talk to the
11 chief.

12 COUNCILMAN PRETTYMAN: Okay.

13 MAYOR POST: Well, I think it would be very
14 interesting to see, because there hasn't been for a good
15 while, but why, all of a sudden, from 2003 to 2007,
16 unless, for some reason, there's been a change in the
17 way they collect the data, as well, because it's a major
18 jump.

19 COUNCILMAN PRETTYMAN: Yes.

20 MAYOR POST: And I'm confused on that, as
21 well. You're right. So I don't know if it's just
22 something now, the way they formulate it or what. And I
23 think that would be a very good question. And then --

24 COUNCILWOMAN ABRAHAM: The only thing I

1 notice -- and I fry potatoes; I keep pointing it out to
2 Councilman Prettyman -- is it has been climbing,
3 steadily climbing.

4 COUNCILMAN PRETTYMAN: Yes.

5 COUNCILWOMAN ABRAHAM: So whether it be
6 tracking, whether it's an influx of --

7 COUNCILMAN PRETTYMAN: But it's still --

8 COUNCILWOMAN ABRAHAM: -- juveniles coming
9 in to the town or existing -- or kids that are living
10 here, we need to do something to help them out.

11 MAYOR POST: Right. And I agree. But I
12 grew up in rural Greenwood, and I didn't commit crimes,
13 you know.

14 COUNCILMAN PRETTYMAN: But that's a
15 different time.

16 MAYOR POST: And I understand that. But I
17 mean don't put it totally --

18 COUNCILMAN PRETTYMAN: I grew up in --

19 MAYOR POST: Don't put it totally on,
20 because --

21 COUNCILMAN PRETTYMAN: I was born and raised
22 here in Milton --

23 MAYOR POST: -- this town doesn't have --

24 COUNCILMAN PRETTYMAN: -- and it was a

1 different time.

2 MAYOR POST: And did you? Did you commit
3 any juvenile --

4 COUNCILMAN PRETTYMAN: But God, everybody in
5 Milton would beat you to death, so you didn't have the
6 opportunity.

7 MAYOR POST: But I mean there's got to be a
8 happy balance.

9 COUNCILMAN PRETTYMAN: Right.

10 MAYOR POST: I mean you can't totally blame
11 it on nothing to do, but --

12 COUNCILWOMAN BETTS: But something is wrong
13 when --

14 MAYOR POST: There's something. It is
15 amazing that --

16 COUNCILWOMAN BETTS: -- it jumps from 2007
17 to 2007.

18 MAYOR POST: Yeah. Well, an increase of 118
19 is --

20 COUNCILWOMAN BETTS: Exactly.

21 MAYOR POST: From 136 compared to -- yeah,
22 that's just --

23 COUNCILWOMAN HUDSON: Mr. Mayor, this would
24 be a good opportunity to remind all of you again, please

1 join the Neighborhood Watch. The purpose, not only to
2 look out for each other, it helps to deter crime. It
3 doesn't actually change somebody's internal behavior,
4 how they think about committing a crime or whether or
5 not they are thinking about it. What it does is it puts
6 them on alert that somebody is out there watching and
7 somebody may be calling the police.

8 So we need each and every one of you to help
9 us with our Neighborhood Watch so we can take care of
10 each other; every third Tuesday, 6:00 in the library.
11 Thank you very much.

12 MAYOR POST: Okay. We move under Old
13 Business --

14 COUNCILMAN FREY: Mr. Mayor, what did we do
15 with the Police Report?

16 MAYOR POST: Oh, you are right. Thank you,
17 Councilman Frey.

18 COUNCILWOMAN ABRAHAM: Tabled the --

19 MAYOR POST: Are we tabling --

20 COUNCILMAN PRETTYMAN: Yes.

21 MAYOR POST: -- the acceptance of the police
22 Report?

23 COUNCILMAN PRETTYMAN: Yes.

24 COUNCILWOMAN HUDSON: Second.

1 MAYOR POST: Okay. We have it tabled. We
2 have a motion to table it until the August meeting, and
3 we have a second. All in favor for tabling say aye.

4 COUNCILMAN FREY: For what reason are we
5 tabling it?

6 COUNCILWOMAN BETTS: Yes, I would like to
7 know.

8 COUNCILMAN PRETTYMAN: Because we just got
9 it this evening.

10 MAYOR POST: At 5:00.

11 COUNCILMAN PRETTYMAN: Later -- Well, I just
12 got it here when I came in --

13 COUNCILWOMAN ABRAHAM: 7:00.

14 COUNCILMAN PRETTYMAN: -- at 7:00.

15 MAYOR POST: Well, I got it at seven, yeah.
16 I got it at seven, right.

17 COUNCILMAN PRETTYMAN: That is the reason
18 why; I have not had ample time to go through it --

19 MAYOR POST: Time to review it.

20 COUNCILMAN PRETTYMAN: And I did glance at
21 the juvenile, but I would like to really go through it.

22 MAYOR POST: So we have a second. We have a
23 motion and a second to table the Milton Police Report to
24 August. All in favor say aye.

1 COUNCILMAN PRETTYMAN: Aye.

2 COUNCILWOMAN ABRAHAM: Aye.

3 COUNCILWOMAN BETTS: Aye.

4 COUNCILWOMAN HUDSON: Aye.

5 MAYOR POST: Aye. Opposed?

6 COUNCILMAN FREY: No.

7 MAYOR POST: Motion carried. Moving into
8 Old Business, approval of the Historic Preservation
9 Ordinance.

10 COUNCILWOMAN ABRAHAM: I thought -- wasn't
11 that to be --

12 COUNCILWOMAN BETTS: Scheduled.

13 COUNCILWOMAN ABRAHAM: A motion made to move
14 to the Board of Adjustments, wasn't that our intention?
15 Or am I wrong?

16 COUNCILWOMAN BETTS: I thought it was.

17 COUNCILMAN PRETTYMAN: Yes. They were going
18 to --

19 COUNCILWOMAN ABRAHAM: You -- I thought
20 you --

21 COUNCILMAN PRETTYMAN: Yes. We moved that.

22 COUNCILWOMAN ABRAHAM: Well, you have to
23 move it down here.

24 COUNCILMAN PRETTYMAN: I mean we tabled it

1 for Board of Adjustments and moved it.

2 MR. BRADY: The Historic Preservation
3 Ordinance went initially, a couple of months ago, to
4 Planning & Zoning. It then came back. It was sent out
5 to Board of Adjustment, and I believe Board of
6 Adjustment has sent it back. I believe their comments
7 from the Board of Adjustment -- and there may be a
8 representative who is here tonight to make -- to give
9 additional comments from the issues that came up from
10 the Board of Adjustment.

11 COUNCILWOMAN HUDSON: Okay.

12 MR. BRADY: Okay. Maybe the representative
13 from the Board of Adjustment's spouse is here, because
14 I'm seeing --

15 MAYOR POST: Well, Marion Jones, I don't
16 know if she has anything to comment.

17 MR. BRADY: I'm just seeing --

18 MAYOR POST: You're on the Board of
19 Adjustment. Do you have any comment regarding the
20 District --

21 MS. JONES: I'm a little confused, as this
22 is --

23 MAYOR POST: Because that was a while ago.

24 MS. JONES: -- the approval of the Historic

1 Preservation Ordinance and not in reference to the
2 amendment to split the two; am I correct?

3 MR. BRADY: Correct.

4 MAYOR POST: That is correct.

5 MS. JONES: Okay. Actually, you sent out --
6 you sent out for the opinion of the Board of Adjustment,
7 Historic Preservation Commission, in reference to the
8 splitting of the two boards. But that's not what you
9 are asking here, is that --

10 COUNCILMAN FREY: No.

11 MR. BRADY: Okay.

12 MS. JONES: You'll find, Mr. Mayor, at the
13 end of the minutes --

14 MR. BRADY: That's what I'm referring to.

15 MS. JONES: The Board actually is requesting
16 an answer come from the Mayor and Council before they
17 then come to you with 8:19:33 (unintelligible).

18 MAYOR POST: All right.

19 MS. JONES: If you'll check at the very end
20 of it, but that's in reference to another issue.

21 MAYOR POST: That's another issue.

22 MR. BRADY: Right.

23 MAYOR POST: What we're trying to get at is
24 that was -- it went over to Board of Adjustment --

1 MS. JONES: It did.

2 MAYOR POST: -- several months ago.

3 MR. BRADY: And I think those comments came
4 back. I believe Ms. Parker has made her comments --

5 MAYOR POST: Yes.

6 MR. BRADY: -- on behalf of the Ad Hoc
7 Committee. And it went through the different
8 committees, both Planning & Zoning and the Board of
9 Adjustment.

10 MS. JONES: Yes.

11 MR. BRADY: But I think the last time it
12 didn't have the proper notice on the agenda for the --

13 MAYOR POST: Right.

14 MR. BRADY: -- amendment. So this is the
15 time where I think it's already to go, unless there are
16 any other comments.

17 MAYOR POST: Well, I think the only thing --
18 because it gets a little more -- and I don't want to
19 goof, because we can always amend it again. And I think
20 we've gone -- drug this out long enough with this. But
21 when they are reviewing this Historic District
22 Commission issue, there was something I had done
23 research regarding, and I wanted it added into -- Well,
24 I thought it should go in the ordinance. Now, it's here

1 with this.

2 COUNCILMAN PRETTYMAN: The ordinance.

3 MAYOR POST: But I think a very important --
4 and it was through several Historic Preservation
5 Commissions up in New England that had a component in
6 their ordinance that referred to major additions and
7 demolitions.

8 And I have the paragraph if anybody --
9 because this is going to go on the Internet. What it
10 does is in cases of -- in extreme cases when demolition
11 must occur -- say if the house had burned or for some
12 reason, you know, a tree fell on it and demolished part
13 of the house and it is something that is within the
14 historic district -- they have a portion of their
15 ordinance that requires them to build a replica of that
16 structure.

17 And I think that's very important to control
18 what is going on empty lots within the historic district
19 and in the way that we are trying to move forward with
20 our preservation in this town. So I think this is an
21 important component.

22 I do not want to hold up what's been done so
23 far regarding tonight. But I think it's here at the
24 very end of this thing that's the Historic District

1 Commission. I think it's very confusing, because I
2 think some of this needs to go over into the ordinance.
3 But that can be taken, because there's going to be a
4 whole hearing process, and it's just going to take some
5 time. So I think I would rather -- we've had the
6 revisions. We've had them for months. This has been a
7 year process. And we can take this through. And what I
8 wanted was these are going to be referred -- well, we
9 would assume they are going to be referred up to the
10 Board of Adjustment, where they're going to be able to
11 make -- they are in the historic commission, and they
12 are going to be able to make their comment.

13 But I do think it's very important that we
14 have this issue with dealing with these empty lots and
15 major additions within the historic district that will
16 make them replicate. And I think, you know, if this --
17 so I know I'm going on with this, but I just don't want
18 this to get lost. And I -- so we do not have a copy.
19 Do we have the one that -- because we've seen it.

20 MR. BRADY: It was in you May package.

21 MAYOR POST: It's been. We have had it.
22 Yeah, we had it last month. So you know, this has been
23 the work of many hours. You know, there was a
24 committee, an Ad Hoc Committee, that worked on it for a

1 year or whatever. It's gone through -- my
2 understanding, P & Z has made comments, the historic.
3 We have had our public hearing. And I recall the only
4 thing that I had, just in question, but I guess it was
5 standard, was that an appeal would go to, I guess, the
6 same as Board of Adjustment. It would go to Superior?

7 MR. BRADY: That's correct, appeal -- appeal
8 from the Board of Adjustment -- an appeal from Historic
9 Preservations to Superior Court.

10 MAYOR POST: Okay.

11 MR. BRADY: An appeal from Board of
12 Adjustment goes to Superior Court. An appeal from the
13 Historic Preservation comes to Council, I believe, now.

14 MAYOR POST: No.

15 COUNCILWOMAN BETTS: No, no.

16 MAYOR POST: Currently.

17 COUNCILWOMAN BETTS: Currently.

18 MAYOR POST: But in the new proposal it, as
19 well, would go to Superior Court.

20 COUNCILWOMAN BETTS: And it should come back
21 to --

22 MAYOR POST: Yeah. I think that's in the
23 proposed, which, you know, if it does that with Board of
24 Adjustment, that's -- so be it.

1 COUNCILMAN FREY: Mr. Mayor, do you want a
2 motion?

3 MAYOR POST: Yeah. I mean if that's -- yes,
4 because --

5 COUNCILMAN FREY: I would like to make a
6 motion to approve the Historic Preservation Ordinance.

7 COUNCILWOMAN HUDSON: I second it.

8 MAYOR POST: Okay. We have a motion and a
9 second. Any discussion to the motion? All in favor,
10 say aye.

11 COUNCILMAN PRETTYMAN: Aye.

12 COUNCILWOMAN ABRAHAM: Aye.

13 COUNCILWOMAN BETTS: Aye.

14 COUNCILMAN FREY: Aye.

15 COUNCILWOMAN HUDSON: Aye.

16 MAYOR POST: Aye. Opposed? Motion carried.

17 And I want to thank the Ad Hoc Committee for all the
18 work that they've done with this. Finally, we got it
19 there. And we'll have it posted on the website
20 tomorrow.

21 Okay. Review -- and this is another --
22 Review of Charter Changes, no final vote will be taken
23 at this meeting. The thing is, I guess, earlier, I
24 could have just had this -- what I wanted was this

1 polled, because it's really kind of not -- it's
2 irrelevant, because what we are going to be doing is
3 holding another workshop late July, which we'll take
4 into consideration the public hearing comments and other
5 comments. And so we'll have one last review in a
6 Council Workshop prior to any vote taking place. And
7 then it can even be posted and given another 30 days.
8 And then eventually, it's got to be cut off.

9 8:25:52 UNKNOWN SPEAKER: (Unintelligible).

10 MAYOR POST: I think we had discussed,
11 because we want our Town Solicitor there --

12 8:26:04 UNKNOWN SPEAKER: (Unintelligible).

13 MAYOR POST: Yeah. And I'm working to see
14 if -- we discussed the 30th of July, is what I believe
15 you said.

16 MR. BRADY: Monday the 30th.

17 MAYOR POST: We are proposing July 30th,
18 because -- We are proposing July 30th for the special
19 meeting or public -- the workshop, the Council Workshop.

20 COUNCILWOMAN BETTS: Was that a Monday?

21 MAYOR POST: It's a Monday evening. And it
22 works with the Town Solicitor. He has many things this
23 month.

24 MR. BRADY: Is that -- Would that be here,

1 or do you have to check it?

2 MS. COULBOURNE: I have to check.

3 MAYOR POST: We'll have to check. We'll
4 notify -- it will be posted, yeah, where it will be.

5 MR. BRADY: Two letters were received with
6 the -- I'm sorry, Councilman.

7 COUNCILMAN PRETTYMAN: Just before we go
8 back, the last three or four papers on this final draft
9 of the charter and everything, the date -- the papers I
10 have from 6/12 --

11 COUNCILWOMAN ABRAHAM: Right.

12 COUNCILMAN PRETTYMAN: -- they go up to page
13 39. Then an additional part was added to it, starting
14 at 43. But what happened to 40, 41, 42?

15 COUNCILWOMAN ABRAHAM: The final final is
16 now not final, because it's different from 8:27:13
17 (unintelligible) final. So this --

18 COUNCILMAN PRETTYMAN: Yeah. And I mean
19 just in this package that I got on 6/12 --

20 COUNCILWOMAN ABRAHAM: That's 45.

21 COUNCILMAN PRETTYMAN: No. And then on 6/29
22 we get this other additional part --

23 MAYOR POST: But yes, because those -- you
24 know, the public hearing. What wasn't put in was the

1 required -- the site plan requirement.

2 COUNCILWOMAN ABRAHAM: So now, this is
3 the --

4 MAYOR POST: And they were the addendums.
5 And the public --

6 COUNCILWOMAN BETTS: This is final.

7 8:27:39 MAYOR POST: (Unintelligible).

8 COUNCILWOMAN ABRAHAM: They all say final.

9 COUNCILMAN PRETTYMAN: Okay. So we just
10 missed that section.

11 8:27:45 UNKNOWN SPEAKER: (Unintelligible).

12 MAYOR POST: And that threw the page number
13 out. But these were the appendices that were in
14 reference in the Charter that were never in the Charter.

15 COUNCILMAN PRETTYMAN: Okay.

16 MAYOR POST: So now they're in the Charter.

17 MR. BRADY: When I took out --

18 COUNCILWOMAN ABRAHAM: Now, this is the
19 final?

20 MR. BRADY: Well, that's for the discussion
21 on the 30th. When I took out --

22 MAYOR POST: It's spelled out in the final
23 final.

24 MR. BRADY: The 8:27:58 (unintelligible)

1 page and took out the portions I had in the previous
2 versions in the month of June, things to be deleted, I
3 deleted them from the final version. And that saved
4 three pages.

5 COUNCILMAN PRETTYMAN: Now --

6 MR. BRADY: But the numbering was based on
7 the first version. That's why the numbers are off.

8 COUNCILMAN PRETTYMAN: Okay. That's all. I
9 just wanted to -- I thought I was missing pages.

10 MAYOR POST: The proposal would be for on
11 July 30th at the Council Workshop, that would discuss in
12 depth the final draft.

13 COUNCILMAN PRETTYMAN: And where is this
14 workshop going to take place?

15 MAYOR POST: Well, we don't know yet. I
16 mean we will see --

17 COUNCILWOMAN BETTS: What time?

18 MAYOR POST: Possibly here.

19 8:28:37 MS. COULBOURNE: (Unintelligible).

20 MAYOR POST: She's got to see if the theater
21 is available, either that or the library.

22 COUNCILWOMAN BETTS: What time?

23 MR. BRADY: Seven.

24 MS. COULBOURNE: Seven.

1 MAYOR POST: Seven, that's fine.

2 MR. BRADY: Two letters were received after
3 the last hearing. One of them asks about: Did any
4 Town's in Delaware have a resign to run section on town
5 charters? I went to the State website at www.de.gov,
6 under Online Publications. Under the Legislature, they
7 have the town charters. I found in the Town Charter for
8 Camden and the Town Charter for Smyrna -- I just
9 randomly was going through town charters -- those two
10 have a resign to run provision consistent with what is
11 proposed.

12 In addition, there were questions about the
13 terms, the two years to three years change for the
14 mayor's term. That could only take place after the
15 Charter was enacted. It would not extend an incumbent's
16 term of office. It would go into effect with the next
17 elections after the Charter had been amended by the
18 General Assembly.

19 And because of those questions, I suggested
20 to the Mayor that another workshop be done, because
21 there appeared to be some questions out in the community
22 about some of the terms and the effect.

23 The Charter, when the final vote goes in,
24 will be submitted to the General Assembly. They'll have

3 COUNCILWOMAN HUDSON: You mentioned Camden
4 and what other town?

6 MR. BRADY: Camden and Smyrna. And I note
7 that the Camden Charter was reenacted Saturday night at
8 11:45 by the State Senate. And it looked like the new
9 version of the Camden Charter carried that language
10 over. But the old version, the online version of the
11 Camden Charter and the Smyrna Charter, they were two of
12 the ones I found that had a resign to run law. If you
13 were running for Mayor, you resigned your position on
14 Council unless your term was up that year.

17 MR. BRADY: I did not check all the towns.

20 MR. BRADY: I checked about five charters
21 and found those two.

23 MR. BRADY: That had it.

1 about 50 towns?

2 MR. BRADY: It did not apply to the City of
3 Wilmington, because all of their Council seats are up in
4 the same year that the mayoral election is up. And the
5 primary sort of eliminates you. If you don't make it
6 through the primary, you don't get reelected as a
7 councilperson. So that's a did he factor resign to run.
8 But it's not an explicit one.

9 And I checked. Rehoboth Beach did not,
10 Dewey Beach did not, Bethany Beach did not, Leipsic did
11 not. I was just trying to go through all the charters
12 that were on the website. But I did not check each and
13 every charter. After I found two, I cut it off at that
14 point.

15 COUNCILWOMAN HUDSON: So what's the purpose?

16 8:31:52 UNKNOWN SPEAKER: What was that
17 website again, please?

18 MR. BRADY: Wwv.de.gov. That's the State
19 website.

20 8:31:59 UNKNOWN SPEAKER: State website.

21 MR. BRADY: And then you click on General
22 Assembly, then on the left-hand side, Online Services.
23 And under Online Services, at the bottom it has Town and
24 City Charters. When you click on that, a page comes up

1 with all the towns. There are 51 municipalities in the
2 state that have charters. 40 of them are online. And I
3 was just going through them. There were only like seven
4 in New Castle County. The most of them are in Kent and
5 Sussex.

6 8:32:30 UNKNOWN SPEAKER: Thank you.

7 MAYOR POST: Do we need --

8 MR. BRADY: No.

9 MAYOR POST: So we don't need any action.

10 Okay. Now, we had our public hearing earlier for the
11 revision of the Zoning Ordinances 6.1 and 6.1.4. They
12 are now on the floor for consideration for adopting
13 these ordinances. We will need a motion. Who wants --

14 COUNCILMAN PRETTYMAN: Adopt the
15 consideration of the revision, I make the motion that
16 the Ordinance of Amended Section 6.1 and 6.1.4 of the
17 Zoning Code of the Town of Milton relating to the
18 submission deadlines be accepted. Also, what's this
19 other one? Section -- and amend Section 6.1. Yes. I
20 was reading. I'm sorry.

21 MAYOR POST: We have a motion. Do we have a
22 second?

23 COUNCILMAN FREY: Second.

24 MAYOR POST: Any discussion to the motion?

1 All in favor, say aye.

2 COUNCILMAN PRETTYMAN: Aye.

3 COUNCILWOMAN ABRAHAM: Aye.

4 COUNCILWOMAN BETTS: Aye.

5 COUNCILMAN FREY: Aye.

6 COUNCILWOMAN HUDSON: Aye.

7 MAYOR POST: Aye. Opposed? Motion carried.

8 Moving into New Business, I would like to call our Town
9 Manager back.

10 MR. DICKERSON: Thank you, Mayor. It is my
11 distinct pleasure this evening to introduce a young lady
12 who works for the Delaware -- for DNREC. She's an
13 Environmental Scientist 3. The program that she came to
14 Milton with -- and we've had a couple meetings and
15 discussed -- is a public awareness program which she
16 actually supervised as a project director in Lewes,
17 Delaware, with quite a bit of success. She's pretty
18 modest about her participation and role in this.

19 But please welcome Beth Crumrine. She's an
20 Environmental Scientist 3 with Delaware -- DNREC.

21 (Applause).

22 MS. CRUMRINE: Thank you, Mayor and
23 Councilmen. This effort is something that was very
24 conceptual. Let's say, a year and a half ago, we put

1 together some idea. We applied for a grant. And it was
2 through the 319 -- Section 319 within the Clean Water
3 Act, and it's funding through DNREC. And by golly, we
4 got the money.

5 So what we did was we did a project in Lewes
6 which took a lot of planning and a lot of thought. And
7 this happened this past spring. We put storm drain
8 stencils on all the storm drains throughout the city.
9 In addition, we inventoried all the storm drains in the
10 city and did GIS mapping. And this was through a really
11 tremendous collaborative effort, a non point education
12 for municipal officials, City of Lewes Board of Public
13 Works, University of Delaware. There were so many
14 entities involved.

15 I was thrilled to find out, when we had
16 extra supplies available and we had extra funding left
17 over from that grant. And it just seems like for the
18 next best option, we have money left over, let's go to
19 Milton. And so a lot of people were in agreement with
20 that.

21 So what I'm coming to you is to ask for your
22 permission and approval to move forward with a similar
23 type of project. One of the major goals would obviously
24 be to improve awareness and outreach education for

1 stormwater runoff. The event in Lewes, what it did is
2 it raised awareness. We did a mailing, and that's
3 something I would like to do here if this is something
4 you would approve, a mailing in -- when did the water
5 bills, really.

6 Also, it was a big outreach event in that we
7 did press releases and we got a lot of public
8 participation. There were over 100 -- about 100
9 volunteers within a two-day period. And we allowed
10 people, you know, a Friday or Saturday. And so I think
11 that it really does give a community the opportunity to
12 learn more. The volunteers learn more. And people just
13 living in the community, having the choice to be
14 involved with this kind of effort.

15 So the example markers, you each have an
16 example marker and an example brochure, in which we have
17 plenty to go around. We were very safe in the last one,
18 and we did safety vests. And safety was not at all a
19 concern. So I do request for this project to move
20 forward in Milton.

21 COUNCILWOMAN HUDSON: Where would you -- Can
22 you tell the public where you'll be putting these,
23 please?

24 MS. CRUMRINE: Yes. What we did is these

1 were placed on all the storm drains throughout the town
2 or throughout the City of Lewes. And we placed them in
3 a very visible area, which usually was like on the top
4 surface of -- you know, where you could most see it.
5 Volunteers had to make that decision while they were
6 walking through the streets.

7 It was actually kind of neat, because each
8 volunteer group or two or three got a map, which had all
9 the locations of the storm drains, because we were able
10 to get funding to get all of that storm drains mapped
11 out through the city.

12 And I think that this town lends itself well
13 to this type of project. And I think, from my
14 understanding, there is an estimate -- Do we have an
15 estimate on how many storm drains there might be here?

16 8:38:50 MR. DICKERSON: (Unintelligible).

17 MS. CRUMRINE: So we kind of walked around
18 and checked it out, and we think that it's well worth
19 the effort. We have actually -- in Lewes, we'd put down
20 the markers that said Drains to Bay. And we have
21 markers that say Drains to River. So I think that that
22 would be -- and they are actually about a dollar 25
23 each, a dollar 50 each. So --

24 COUNCILWOMAN HUDSON: Well, the purpose of

1 this ties in with our rain barrels and rain gardens
2 presentation that we had the other week, because we were
3 trying to solve as much stormwater runoff from leaving
4 your drains, going down the asphalt, and into the river,
5 because it carries a lot of pollution from the house,
6 from the yard. And the more that soaks into the ground,
7 the less pollution goes into the river.

8 Also, we would like people to know not to
9 dump anything down that drain that is toxic or
10 poisonous. Don't put your old lawn mower oil --

11 MAYOR POST: Grease.

12 COUNCILWOMAN HUDSON: -- grass clippings,
13 whatever. Just try to keep it as much -- as close to
14 good water as possible, going into that storm drain.

15 MS. CRUMRINE: And a lot of that information
16 is contained in the brochure.

17 COUNCILWOMAN HUDSON: Yes, right.

18 MAYOR POST: I think this is a wonderful
19 project, and I think it's -- and everybody will get
20 these brochures mailed to them, as well.

21 MS. CRUMRINE: What I would like to do, upon
22 your approval, is to form a committee with George
23 Dickerson from the Town, also non point education for
24 municipal officials, University of Delaware, and also

1 DNREC non point source section. These are the people
2 who have the grant money to begin with, and they would
3 also ask to be involved.

4 COUNCILWOMAN HUDSON: All right. And also,
5 everyone, Beth Crumrine is also going to be our speaker
6 at the Health & Environmental Committee on July 24th,
7 again, about stormwater ponds, to help prevent run off
8 into the river.

9 MS. CRUMRINE: Thank you.

10 COUNCILWOMAN HUDSON: Thank you.

11 MS. CRUMRINE: Thank you very much for your
12 time. Does anybody have any questions?

13 MAYOR POST: A great project.

14 MS. CRUMRINE: Thank you.

15 MAYOR POST: So what? Will we need to
16 motion to --

17 MR. DICKERSON: This brochure is going to go
18 out in the water bill. Landlords are going to need to
19 give this to their tenants, and apartment owners would
20 have to do some type of a broader outreach for them so
21 that residents in apartment buildings are also aware of
22 this.

23 MAYOR POST: Right.

24 COUNCILWOMAN HUDSON: Are there extra copies

1 available?

2 COUNCILWOMAN ABRAHAM: They need to be
3 directed to stop in Town Hall and pick up the brochures.

4 MAYOR POST: All right. And we can
5 certainly drop them out at the apartment buildings, you
6 know, and --

7 MS. CRUMRINE: We'll have about 200 extra
8 copies.

9 MAYOR POST: You have about 200. How many
10 copies do you have total?

11 MS. COULBOURNE: She has given 1,200.

12 MS. CRUMRINE: Like 2,000.

13 MAYOR POST: So -- and we'll have access to
14 that full 2,000?

15 MS. CRUMRINE: That is correct, unless --

16 MAYOR POST: That will be, yes.

17 MS. CRUMRINE: It's -- They're already
18 preprinted and all ready to go.

19 MAYOR POST: Because we can get them out to
20 the larger apartment buildings and, as well, we can have
21 them available at the Town Hall for landlords that would
22 want to pick them up. And there are some ways, when we
23 do the marketing, that we can address that.

24 MS. CRUMRINE: When we initially printed

1 them, we wanted to keep them nice and general so that we
2 could use them in the future.

3 UNKNOWN SPEAKER: Sounds good.

4 MAYOR POST: That sounds wonderful. Can we
5 have a motion for her to proceed?

6 COUNCILMAN PRETTYMAN: I'll make a motion.

7 COUNCILWOMAN HUDSON: I second.

8 COUNCILWOMAN ABRAHAM: I would like to make
9 a motion.

10 MAYOR POST: Okay. We have a motion --

11 COUNCILMAN PRETTYMAN: I second.

12 MAYOR POST: And a second.

13 COUNCILWOMAN HUDSON: Second.

14 MAYOR POST: I have many seconds.

15 COUNCILWOMAN BETTS: Many seconds.

16 MAYOR POST: So whoever you want to take as
17 a second, we've got plenty of seconds.

18 COUNCILWOMAN ABRAHAM: Third.

19 MAYOR POST: All right. All in favor say
20 aye.

21 COUNCILMAN PRETTYMAN: Aye.

22 COUNCILWOMAN ABRAHAM: Aye.

23 COUNCILWOMAN BETTS: Aye.

24 COUNCILMAN FREY: Aye.

1 COUNCILWOMAN HUDSON: Aye.

2 MAYOR POST: Aye. Opposed? The motion
3 carried.

4 COUNCILWOMAN ABRAHAM: It was a request to
5 go to remove --

6 MAYOR POST: Thank you for coming tonight
7 and presenting. Thank you.

8 COUNCILWOMAN ABRAHAM: He's been removed.
9 It has to be removed.

10 MAYOR POST: Now, why -- we didn't pull it
11 tonight.

12 COUNCILWOMAN ABRAHAM: What's that? I have
13 a letter requesting it. I just marked it off.

14 COUNCILMAN PRETTYMAN: To be removed, yes.

15 COUNCILMAN FREY: Read the Council mail.

16 COUNCILMAN PRETTYMAN: So the next is Lesa
17 and Paul Howard.

18 MAYOR POST: All right. B, Request For a
19 Partition of 2-35-20-20.08-89.00, 304 Atlantic Street,
20 has been requested to be removed from the agenda.

21 So that will move us forward to C,
22 Applicants Lesa and Paul Howard, requesting a
23 conditional use for a physician's office located at 506
24 Union Street. The property is zoned R-1 residential and

1 is further identified by Sussex County Tax Map and
2 Parcel Number 2-35-14.15-16.00. And I believe the
3 Applicants are here. So if you would like to begin --

4 COUNCILMAN FREY: Mr. Mayor --

5 MR. ERIC HOWARD: Thank you, Mayor and --

6 COUNCILMAN FREY: -- before you begin, I
7 would like to recuse myself from this application.

8 MAYOR POST: All right. Councilman Frey is
9 recusing himself from the application.

10 MR. ERIC HOWARD: Thank you, Mayor, and
11 Members of the Council. My name is Eric Howard. I'm
12 here on behalf of the Applicants, Lesa Howard and Paul
13 Howard. The application is for a conditional use to
14 operate a physician's office at 506 Union Street.

15 On an application of this type -- obviously,
16 we are applying for a conditional use -- I think the
17 first thing you probably do is just take a look at the
18 Ordinance itself, the Ordinance that we are proceeding
19 under. And the Ordinance talks in terms of a use which
20 is not permitted in the Zoning Code in which the
21 property is located. So we heard a lot of -- The
22 question at the Planning & Zoning Commission and a
23 couple of the comments today initially that: Well, it's
24 not zoned for a physician's office. It's not. That's

1 why we are here for a conditional use.

2 The statute expressly contemplates that
3 there are going to be certain uses that are not in
4 conformance with that particular zoning classification;
5 but yet, they are uses which serve the public need and
6 convenience and will not have any detrimental impact on
7 the surrounding areas. And we believe this is just this
8 that type of application.

9 It is an application for a physician's
10 office which, in the scheme of things, is a traditional
11 type conditional use application you see. It's for a
12 professional physician's office in a residential area.
13 This is the type physician's office that, again, your
14 Zoning Code puts professional offices in the C1
15 District. But I would suggest that physician's offices,
16 in fact, you'll hear from the testimony, when we get to
17 that, some letters that were submitted by property
18 owners that I thought doctor's offices were often in
19 residential use -- residential neighborhoods. That's
20 where patients like them to be.

21 And it is a completely appropriate use. The
22 idea that it would have any kind of detrimental impact
23 on surrounding properties, we have submitted -- and we
24 will -- submit letters from every property owner that is

1 contiguous to this property. Property -- you heard one
2 of the property owners speak during the public comment,
3 the owner of 509, in support of the application. We
4 have letters from Ms. Horn, the owner of the property
5 immediately adjacent to the property to the south,
6 saying she supports the application. We have letters
7 from Pastor Simonsen, immediately to the north, saying
8 he supports the application.

9 We have letters from the owner of the
10 property, Mr. and Mrs. Spencer, immediately to the north
11 of the church, saying we support the application. We
12 have letters from Ms. Argo, across the street from the
13 property, saying she supports the application.

14 We have a stack of letters from patients
15 saying: We would love to see this doctor's office in
16 Milton. We have letters from realtors saying --
17 appraisers and broker/realtors saying there would be no
18 detrimental impact on any property values if this use is
19 approved.

20 So you stand back and you say: Why
21 shouldn't it be approved? It's exactly the type of use
22 that your statute contemplates, that your Ordinance
23 contemplates. And it's completely appropriate.

24 Yes, it is not zoned R-1. That's why we are

1 here. That's why we are here asking for the conditional
2 use application approval, just as your Ordinance
3 contemplates.

4 Conditions, you can place conditions on it.
5 That's why it's a conditional use. You can restrict the
6 hours of operation. It's a doctor's office. It's going
7 to be used during the day only. There won't be any
8 evening hours. There won't be any weekend hours. Those
9 are exactly the kind of things that you can control for
10 the conditional use.

11 The idea that it had to be -- we heard
12 comment at the Planning & Zoning hearing that it would
13 be a home occupation. There's nothing whatsoever on the
14 face of the Ordinance that says anything about home
15 occupation. I'm not sure where that notion came from,
16 but it's not in the Ordinance. Conditional use, as
17 defined in the Ordinance, are ones that serve the public
18 need and convenience and are of a semi quasi public
19 nature and will not have any detrimental impact on the
20 surrounding property values. That's where we are.
21 There is no requirement.

22 And I would suggest it's unrealistic -- and
23 you'll hear Dr. Howard talk about that -- to expect a
24 doctor to live in his office. It just doesn't happen

1 anymore.

2 The other thing you heard was about the size
3 of the property. You'll hear Dr. Howard testify that it
4 is a 3,200-square foot office. That's exactly the same
5 size office he occupies now. There's not going to be a
6 medical complex. It's a doctor's office. A
7 3,200-square foot property is about the size of a lot of
8 those houses you see, the old Victorian houses you see
9 going up and down the street. It's not going to be a
10 large, sterile- looking professional complex.

11 You have the drawings there of the proposed
12 facade of the building. It's going to look like a
13 house. The draftsman, the architect, went to great
14 lengths to make it look like a house. And again, that's
15 the kind of condition requirement you can place on a
16 conditional use application, to make it compatible with
17 the -- it's a use that is appropriate. It's a use
18 that's necessary and serves a convenience. But you can
19 put conditions or restrictions on it to make it less
20 obtrusive to the neighborhood. But it still does not
21 make it a non appropriate use.

22 The last comment before the testimony was
23 this idea that Union Street, that section of Union
24 Street, would become another Savannah Road. It's hard

1 to respond that. That's just somewhat unrealistic
2 paranoia, it seems. There's something called a hospital
3 in Lewes. That's why all those doctors are there. The
4 idea that Union Street is going to become a street of
5 all professional doctor's offices is just -- there's no
6 indication whatsoever that that's going to happen.

7 This is a property that has been in
8 Ms. Howard's, Lesa Howard's family. And she has
9 sentimental and economic, obviously, reasons for wanting
10 to convert this into a doctor's office. And the idea
11 that there's going to be a line of doctors behind them,
12 wanting to make Union Street a doctor's office street
13 just -- there's no evidence at all to suggest that
14 notion. That being said, I would call Ms. Lesa Howard.

15 MS. LESA HOWARD: Hi, Lesa Howard. The
16 first thing I would like to mention is that before we
17 started this project, we really sort of got the
18 impression that this would be something that the Town
19 would welcome. So it knocked me over when the Committee
20 came in with their decision.

21 You know, I'm very much attached to this
22 town. You know, my brothers have properties here. I
23 would venture to say that we probably have as much to
24 lose by something being negative for the Town as anybody

1 else. I mean my grandfather was honored by having a
2 school named after him. Why would I ever dream of doing
3 something that would be, you know, negative for that,
4 you know, and other properties?

5 MR. ERIC HOWARD: You're the owner of 506
6 Union Street?

7 MS. LESA HOWARD: I am.

8 MR. ERIC HOWARD: How did you acquire that
9 property?

10 MS. LESA HOWARD: My mother. And it was
11 suggested, too, that maybe we should sell that property.
12 And like Eric said, you know, I have sentimental -- she
13 lived in the house. She died in the house. And I'm
14 sorry I'm not ready to sell it. I can't part with it at
15 this time. That's not an option for me.

16 MR. ERIC HOWARD: What have you done with
17 the property up to this point?

18 MS. LESA HOWARD: We rented it. And you
19 know, that has a whole different -- problems associated
20 with it.

21 MR. ERIC HOWARD: When did you acquire the
22 property?

23 MS. LESA HOWARD: At her death in 1999.

24 MR. ERIC HOWARD: Have you -- In connection

1 with the application today, have you done anything to
2 solicit what some people that you know's position
3 regarding the application might be?

4 MS. LESA HOWARD: Yes, we have. We sent out
5 letters trying to get a cross-section to find out
6 whether it was something -- whether we were wrong,
7 whether it was something that the people and the
8 patients, you know, would welcome.

9 MR. ERIC HOWARD: I want to ask you -- I
10 want to show you, if I may approach the Council --

11 MS. LESA HOWARD: Can I hold something?

12 MR. ERIC HOWARD: I have the original groups
13 of letters, copies of 8:53:32 (unintelligible).

14 MS. LESA HOWARD: Now, I would also like to
15 mention, you know, talking about having a vested
16 interest in this. You know, there's a monument that had
17 just been put down recently in honor of my brother, who
18 lost his life in Vietnam. I mean how much more ties can
19 you get to the town?

20 MR. ERIC HOWARD: Ms. Howard, you approached
21 all your immediate property owners around 506 Union
22 Street to ask them what their position was?

23 MS. LESA HOWARD: Yes.

24 MR. ERIC HOWARD: And did a number of them

1 submit letters for you?

2 MS. LESA HOWARD: They did.

3 MR. ERIC HOWARD: Okay. And what is the --

4 Let me add, I've submitted that to the Council, a
5 package of letters.

6 Is this a copy of some of those letters?

7 MS. LESA HOWARD: They are, yes.

8 MR. ERIC HOWARD: And what's the top one you
9 have there?

10 MS. LESA HOWARD: It's Ms. Argo's. And as
11 we all know, she's not well enough to attend, so she was
12 nice now have to send a letter.

13 MR. ERIC HOWARD: How long has Ms. Argo
14 lived in that property, to your knowledge?

15 MS. LESA HOWARD: As long as I can remember.

16 MR. ERIC HOWARD: She was a friend of your
17 mother's?

18 MS. LESA HOWARD: Yes.

19 MR. ERIC HOWARD: And is she still --

20 MS. LESA HOWARD: And I think most Milton
21 residents think she's a nice lady.

22 MR. ERIC HOWARD: Did she say that she
23 supported your application?

24 MS. LESA HOWARD: She did.

1 MR. ERIC HOWARD: Ms. Argo, she's kind of
2 catty-cornered across the street?

3 MS. LESA HOWARD: That's correct.

4 MR. ERIC HOWARD: And did you approach
5 Ms. Horn, who owns the property immediately to the south
6 of you?

7 MS. LESA HOWARD: We did.

8 MR. ERIC HOWARD: And what did she say?

9 MS. LESA HOWARD: She didn't have a problem
10 with it, although she did have concerns about a couple
11 of things, like water runoff, lighting, that kind of
12 thing, which are very valid.

13 MR. ERIC HOWARD: At the second sentence of
14 her letter it says: I support the Howards in connection
15 with the establishment of --

16 MS. LESA HOWARD: That's correct.

17 MR. ERIC HOWARD: -- the residence next
18 door --

19 MS. LESA HOWARD: Yes.

20 MR. ERIC HOWARD: -- because I believe
21 another medical service would benefit Milton?

22 MS. LESA HOWARD: That's correct.

23 MR. ERIC HOWARD: And that's the second
24 letter in this package?

1 MS. LESA HOWARD: Yes.

2 MR. ERIC HOWARD: What's the third letter?

3 Is that a letter from a Paul Simonsen?

4 MS. LESA HOWARD: Yes. That's --

5 MR. ERIC HOWARD: Who is that?

6 MS. LESA HOWARD: He's in the parsonage very
7 next to the property.

8 MR. ERIC HOWARD: So Ms. Horn is immediately
9 to the south, and then the parsonage is immediately to
10 the north?

11 MS. LESA HOWARD: Correct.

12 MR. ERIC HOWARD: Okay. And Pastor Simonsen
13 says he supports the application?

14 MS. LESA HOWARD: That's correct.

15 MR. ERIC HOWARD: And the next letter in the
16 package, that is a letter from a William -- and I cannot
17 pronounce this first name --

18 MS. LESA HOWARD: Amogene.

19 MR. ERIC HOWARD: -- Amogene Spencer?

20 MS. LESA HOWARD: Uh-huh.

21 MR. ERIC HOWARD: And what do they say?

22 MS. LESA HOWARD: They have no problem with
23 it, also. They signed.

24 MR. ERIC HOWARD: And those are the three

1 and the four properties closest to this property?

2 MS. LESA HOWARD: Yes.

3 MR. ERIC HOWARD: You heard Ms. Sumstine --

4 MS. LESA HOWARD: And you heard Lisa speak
5 earlier, yes.

6 MR. ERIC HOWARD: What is her address? 507?
7 509?

8 MS. LESA HOWARD: Yeah, I think so. She's,
9 yeah, across from us.

10 MR. ERIC HOWARD: And that's next to
11 Ms. Argo?

12 MS. LESA HOWARD: Yeah. But there's a
13 vacant lot between them so --

14 MR. ERIC HOWARD: And who owns that lot?

15 MS. LESA HOWARD: Ms. Argo --

16 MR. ERIC HOWARD: Did you also --

17 MS. LESA HOWARD: -- I believe.

18 MR. ERIC HOWARD: -- approach realtors to
19 see if they had an opinion as to whether or not this use
20 would have any detrimental impact on the financial value
21 of the property.

22 MS. LESA HOWARD: We did it again, the
23 Miltonian, Terry Millman.

24 MR. ERIC HOWARD: And to your knowledge, is

1 Mr. Millman, as well as in addition to being a realtor,
2 a licensed real estate appraiser?

3 MS. LESA HOWARD: He is.

4 MR. ERIC HOWARD: And what did he say his
5 opinion was as to whether or not using this property as
6 a medical office would have any negative impact --

7 MS. LESA HOWARD: No, he did not. He --

8 MR. ERIC HOWARD: He would not?

9 MS. LESA HOWARD: He would not. He did not
10 think it would have a detrimental effect on any of the
11 properties around it.

12 MR. ERIC HOWARD: Did you also ask for an
13 opinion from the broker of record at Jack Lingo Real
14 Estate?

15 MS. LESA HOWARD: Yes.

16 MR. ERIC HOWARD: And who is that? Who is
17 that person?

18 MS. LESA HOWARD: That's Bill Lingo.

19 MR. ERIC HOWARD: Okay. And is that letter
20 in that package, also?

21 MS. LESA HOWARD: It is.

22 MR. ERIC HOWARD: And what did Mr. Lingo
23 say?

24 MS. LESA HOWARD: He agreed with

1 Mr. Millman, that it would not have a negative effect on
2 the properties surrounding it or any --

3 MR. ERIC HOWARD: Any negative impact on the
4 property owners?

5 MS. LESA HOWARD: Any negative input, yes.

6 MR. ERIC HOWARD: Ms. Howard, did you
7 also -- when you sent -- Well, let me ask you this way.
8 Did you send a letter to anyone asking what their
9 position would be?

10 MS. LESA HOWARD: Yes.

11 MR. ERIC HOWARD: Did you send out a letter?

12 MS. LESA HOWARD: Yes, yes.

13 MR. ERIC HOWARD: Describe for the Council
14 what you did. Well, let me ask you a leading question.

15 MS. LESA HOWARD: Okay.

16 MR. ERIC HOWARD: Did you go through the
17 patient list of Dr. Howard's?

18 MS. LESA HOWARD: Yes. We went through --
19 yes, we went through --

20 MR. ERIC HOWARD: -- and select those that
21 had a --

22 MS. LESA HOWARD: A 199 -- yes, a 19968.

23 MR. ERIC HOWARD: Okay. And did you ask
24 them to voice whether or not they supported the move to

1 Milton --

2 MS. LESA HOWARD: We did.

3 MR. ERIC HOWARD: -- and this application?

4 MS. LESA HOWARD: Yes.

5 MR. ERIC HOWARD: So you only sent it to
6 people that had a Milton address?

7 MS. LESA HOWARD: Yeah.

8 MR. ERIC HOWARD: Did you also send it, in
9 addition to patients, to people that you knew in the
10 town?

11 MS. LESA HOWARD: Yes, patients that -- or
12 people in town that have known myself and my family, you
13 know, most of my life.

14 MR. ERIC HOWARD: And how many did you send
15 out, approximately?

16 MS. LESA HOWARD: Approximately, a total of
17 400.

18 MR. ERIC HOWARD: And when did you do that?

19 MS. LESA HOWARD: Last week.

20 MR. ERIC HOWARD: And have you gotten any
21 back?

22 MS. LESA HOWARD: We've gotten back 18 --

23 MR. ERIC HOWARD: Does 198 sound right?

24 MS. LESA HOWARD: A hundred -- yeah, 198.

1 MR. ERIC HOWARD: And that's in how long a
2 time period? About a week?

3 MS. LESA HOWARD: About a week.

4 MR. ERIC HOWARD: So over 50 percent?
5 Approximately 50 percent responded negative --
6 positively in a one-week time?

7 MS. LESA HOWARD: Yes.

8 MR. ERIC HOWARD: Did some people also --
9 Let me ask you this. When you sent the letter, did you
10 include with it a sample letter of what you would like
11 them to sign and submit to the Town?

12 MS. LESA HOWARD: We did, yes.

13 MR. ERIC HOWARD: Did some people, in
14 addition to just signing that letter, handwrite
15 comments?

16 MS. LESA HOWARD: They did. There were
17 several that that had comments that they added on to the
18 bottom of the letter.

19 MR. ERIC HOWARD: And those comments are
20 attached in this package?

21 MS. LESA HOWARD: They are, yes, some of
22 them, most of them. There are still some others. There
23 were some from children that signed their names on it
24 and that kind of thing.

1 MR. ERIC HOWARD: And is it -- Didn't one of
2 the comments say: I thought doctor's offices were
3 traditionally in residential areas?

4 MS. LESA HOWARD: There was, yes.

5 MR. ERIC HOWARD: And I'll ask Dr. Howard
6 about that. Did you make a copy of the letters that
7 were received in support of the application?

8 MS. LESA HOWARD: Yes.

9 MR. ERIC HOWARD: Is this a copy of the
10 letters?

11 MS. LESA HOWARD: That is. 9:00:02
12 (unintelligible).

13 MR. ERIC HOWARD: Because of the volume, I
14 did not make photocopies. I am submitting the original
15 letters signed by 9:00:13 (unintelligible).

16 MS. LESA HOWARD: Eight.

17 MR. ERIC HOWARD: Did you also, Ms. Howard,
18 compile -- you didn't photocopy all the letters, but you
19 made a compilation of the names of those that had
20 signed?

21 MS. LESA HOWARD: I did.

22 MR. ERIC HOWARD: Is this a copy of that
23 compilation?

24 MS. LESA HOWARD: Yes.

1 MR. ERIC HOWARD: May I also submit 9:00:50
2 (unintelligible) number of copies? This is the names of
3 the people who signed the letters.

4 Ms. Howard, did you receive any comments
5 back from the people that you had sent the letters to to
6 the effect of what are you doing, that that's an awful
7 idea?

8 MS. LESA HOWARD: No, not a one.

9 MR. ERIC HOWARD: Any response you heard
10 back was positive?

11 MS. LESA HOWARD: Yes.

12 MR. ERIC HOWARD: I apologize. One
13 individual gave us a letter tonight, and it was not in
14 that package 9:01:33 (unintelligible).

15 Ms. Howard, your husband, Paul Howard,
16 prepared to speak as to the specifics of how the
17 practice will be operated and the changes that will be
18 made to the building.

19 MS. LESA HOWARD: Yes.

20 MR. ERIC HOWARD: Those are all the
21 questions I have for Ms. Howard. Do the Council or the
22 Mayor have any questions for Ms. Howard? No?

23 COUNCILWOMAN HUDSON: I have a question.

24 MS. LESA HOWARD: Okay.

1 COUNCILWOMAN HUDSON: You mentioned in your
2 packet that we received that the trees were rotten, and
3 that's why you cut them down.

4 MS. LESA HOWARD: No, not all of them.
5 There were probably four that were cut down for
6 convenience. The first two that were right next to the
7 entrance to the building, to the house. And regardless,
8 they had a red purple berry that was just everywhere,
9 and it gets tracked into the house and on the carpet.
10 And it was just a mess. There was another one that was
11 that was in the center of the yard that was cracking the
12 foundation. And then there was one in the back that
13 essentially was sacrificed.

14 The ones that were on far side, we had
15 planned on trying to keep two of those. But when
16 Mr. Boyle was there working on them and he dug out
17 around the base of those, he indicated that it was
18 probably not a good idea to save them. They were right
19 next to Ms. Horn's outbuildings. So with a good storm,
20 he seemed to think that it was possible to lose them.

21 COUNCILWOMAN HUDSON: So it was possible for
22 these trees to fall on the neighbor's homes? Is that
23 what --

24 MS. LESA HOWARD: Well, her back -- her

1 outbuildings. I think, you know -- I don't know if she
2 uses it as a garage or what, but yes.

3 COUNCILWOMAN HUDSON: Okay. But you
4 acquired the property in 1999. So for the last eight
5 years, it wasn't a problem with the trees falling on her
6 house?

7 MS. LESA HOWARD: No. It was a concern. It
8 was something that we had been talking about. We would
9 actually trim some of the ones down some. But it was an
10 ongoing -- yeah, it was an ongoing concern. But no, we
11 had not -- you know, we had not, you know, made any
12 motion to --

13 COUNCILWOMAN HUDSON: And the addition to
14 the building, I believe in the information we received,
15 potentially there could be a second physician or a
16 physician's assistant?

17 MS. LESA HOWARD: Yes. I think Paul would
18 be better to talk to on that.

19 COUNCILWOMAN HUDSON: Okay. And so the
20 reason I asked is because Ginny Weeks mentioned 140
21 trips in and out. So if each physician had 35 patients,
22 that would be 70 patients for two physicians, which
23 doubles to 140 going in, coming out. That's how she
24 arrived at that.

1 MS. LESA HOWARD: Yeah, that's correct. But
2 that would not be the way the schedule would probably
3 work. It's not feasible to have two doctors with that
4 kind of schedule in the building at the same time. So
5 they would probably have to -- most definitely juggle.
6 When one was in the OR, the other one would be in the
7 office. Maybe one would work mornings, one would work
8 afternoons. It's not -- you know, it's not feasible to
9 do that on a regular basis.

10 COUNCILWOMAN HUDSON: So potentially then,
11 you are talking five days a week with two physicians or
12 a doctor and a physician's assistant?

13 MS. LESA HOWARD: Possibly.

14 COUNCILWOMAN HUDSON: Yes.

15 MS. LESA HOWARD: But I think, as Paul
16 mentioned before, recruiting is very difficult in this
17 area. You know, you can go to a city and be on call,
18 you know, one night out of ten. You come to this area,
19 you're on call every other night. You know, if you're
20 coming out of school, it's kind of a no-brainer.
21 Unfortunately, it's difficult to recruit.

22 COUNCILWOMAN HUDSON: And your plans show
23 that you -- this is actually two lots?

24 MS. LESA HOWARD: Yes. I believe at one

1 time it was two lots, yeah, because I think the numbers
2 jump.

3 COUNCILWOMAN HUDSON: So in addition to
4 adding on to the current structure, the paved area would
5 cover a substantial amount of one side of the lot and
6 then back across the other side of the lot. So this
7 isn't just one home we're talking about. This is two
8 lots?

9 MS. LESA HOWARD: No, I don't think so. I
10 think the paved area -- and again, I haven't done the
11 drawings. It's my understanding the paved area is going
12 to be along the perimeter on the left-hand side, next to
13 Ms. Horn, and then across the back. That would leave
14 the right-hand side next to the parsonage with green
15 area.

16 COUNCILWOMAN HUDSON: Yes. You are
17 concurring, actually, with what I said, up one side and
18 across the back.

19 MS. LESA HOWARD: Yes.

20 COUNCILWOMAN HUDSON: Right.

21 MAYOR POST: A comment I just want to make
22 is that, you know, I do still question whether this is
23 conditional use versus change of use. And there are
24 certainly extensive -- there's two examples I will give

1 you in the Town of Milton just recently. There was a
2 Park Avenue, which sells pet gourmet items --

3 MS. LESA HOWARD: Right.

4 MAYOR POST: -- that made absolutely no
5 changes to their home, except an area in their home that
6 is a retail business --

7 MS. LESA HOWARD: Right.

8 MAYOR POST: -- put a sign out front. Next
9 to it an interior designer opened, and all they did was
10 put a sign out front, no changes to their home, no
11 tripling the size of the property, no sea of blacktop,
12 no cutting down huge trees.

13 I'm just -- because that's one thing I've
14 been fighting through this whole process, is the fact
15 that this is, to me in my mind, it is a change of use.
16 And I know your representative there can sit there and
17 say that it's not and that it's a conditional use,
18 because you're doing this little home office. But you
19 know, 3,000 some square feet, I'm just putting the cards
20 on the table. I'm not getting anywhere right now where
21 I'm coming from. But I do like to bring things to a
22 reality check, because, you know, we're not asleep here.

23 And I just want people to understand that
24 this -- reviewing it on paper, looking at the size,

1 looking at the addition, there's no charm for to a
2 resident -- any part of this, and whoever your
3 architect -- was in the extensive tripling of the size
4 to make it look like a home, you know. And I'm going to
5 be honest. To me, it looks like a medical complex. It
6 looks very similar to what happened to Milton Family
7 Practice. That was a very small ranch house in the
8 front. And after a year, a year, and a year of
9 additions, it did become a medical complex. But I'm
10 just throwing this out there mainly because I'm just a
11 touch insulted that, you know --

12 MS. LESA HOWARD: You know --

13 MAYOR POST: -- do we come across as
14 thinking that we would think this is technically a
15 conditional use? But it does change the atmosphere of
16 that, of a residential area.

17 MS. LESA HOWARD: Well, no, it is our
18 connection -- I don't think we came in to it thinking
19 that it was going to, you know, be a home office. Of
20 course, with all the HIPPA regulations, it's not
21 feasible in today's -- but you know, it's our intention
22 to have it look as residential as possible. I don't
23 think you have a copy of the original drawings, but the
24 original drawings had very tall, narrow windows that

1 looked very -- you know, like an institution, you know.
2 And we asked to change that. We asked for very
3 residential-looking windows.

4 And my mother had always wanted a bay window
5 in one end of that. And I said that I want that bay
6 window there, and I want a matching one on the other
7 end. So it is our intention to make it look as
8 residential as we can.

9 MAYOR POST: I think it just becomes very
10 industrial with the addition somewhat. I mean yes, it
11 does -- yeah, I think the bay windows are lovely. And
12 it's just when you get back, it's a very large, with a
13 row of windows with shutters on it, not much design from
14 the original home to the -- all the way to the back.

15 MR. ERIC HOWARD: Mayor Post, aesthetically,
16 it might look like -- too much like an office. But
17 that's something that, as Lisa said, the Applicant is
18 more than willing to make any modifications. The intent
19 is to make it look like a house. There are large houses
20 on that street that -- you know, I don't think size is a
21 factor. I mean houses are large. Old houses are large.
22 A lot of new houses are large.

23 And if the concern is it looking too
24 institutional, I mean we can change that. The idea that

1 the -- if it's a conditional use, it's only because no
2 alterations to the physical structure of the property, I
3 just don't -- I understand your thought, but that's not
4 what the Ordinance says. And it's for a practical use
5 as a medical office. There are going to have to be
6 significant structural changes to make it -- I guess
7 it's conceivable you could go in there and kind of work
8 with what you have. But it's -- it's very impractical
9 and very difficult, you know. He has the opportunity to
10 make it look like -- make it what he needs, what he has
11 now.

12 And the comment about the parking, all I can
13 say to that is we have drawn that up, the parking,
14 because that is what the Ordinance requires. We have
15 put the amount of parking on the site that the Ordinance
16 requires. If the Council says we don't want that much
17 parking, we would be happy -- not happy, but we would
18 certainly do it, to go before the Board of Adjustment
19 for a variance. There's been the suggestion that the
20 staff might be able to park somewhere else. But if the
21 parking is an issue, you know, the amount of the
22 asphalt, we could apply for a variance.

23 You always hate to come in for a conditional
24 use application and say: Oh, we need a variance for

1 this and we need a variance for that. Well, we don't
2 need a variance for anything. We could comply with
3 every technical requirement of the Ordinance, as far as
4 parking, buffers. If the Council is saying we would
5 rather you not have those, you know, we can ask for a
6 variance and then go through that process. But the
7 reason for the parking, the amount of parking is that's
8 what the Ordinance mandates.

9 MAYOR POST: And Dr. Howard, you currently
10 have seven examining rooms?

11 DR. PAUL HOWARD: Yes. Doctor Paul Howard.
12 We have six.

13 MAYOR POST: Six examining rooms?

14 DR. PAUL HOWARD: Six.

15 MAYOR POST: Okay.

16 DR. PAUL HOWARD: And we have --

17 MAYOR POST: Okay. And is it just you? Are
18 you the only provider?

19 DR. PAUL HOWARD: And we have -- I'm sorry.

20 MAYOR POST: Are you the only provider --

21 DR. PAUL HOWARD: That is correct.

22 MAYOR POST: -- in there?

23 DR. PAUL HOWARD: That is correct. And I
24 don't know if there is the appropriate time to address

1 that.

2 MR. ERIC HOWARD: Paul, I'll go ahead and
3 ask you. Go ahead and give the Council your background
4 and why it is you want to move into Milton with your
5 office?

6 DR. PAUL HOWARD: Well, I've been in
7 practice here for 20 years, since I moved back to the
8 area after completing my residency training, medical
9 school and residency training. And I guess initially,
10 you know, as a gung ho out of trauma center training, a
11 surgeon, I kind of felt: Well, I'm going to be right
12 next to the hospital. I've got to be so I can be in the
13 thick of everything. Well, the fact is, it's not
14 necessary for my practice. It's just the type of work
15 that I do. I'm an ear, nose and throat doctor and not a
16 trauma surgeon.

17 And when we started looking at the
18 demographics and traffic, I think for well over
19 60 percent of our patients, it would be more convenient
20 to be in Milton. And for that reason, we started
21 thinking that this would be a good move. It was --
22 Actually, it came to me while I was working on the house
23 to get it ready for another renter. And Lisa and I were
24 thinking: You know what? This is a heavily traveled

1 road. It would be easy for patients to find.

2 I think traditionally, doctor's offices, as
3 well as some other professional lines of work, have
4 co-mingled with residential areas. I know my dentist --
5 not just here, but when I was in medical school, my
6 dentist was in a residential area of a major city. I
7 think if you go to vibrant towns -- the key word is
8 vibrant. I mean you have to decide: Do you want to
9 invite certain types of businesses? I don't think there
10 are too many people that would want to go to a doctor or
11 a dentist that's in a strip mall. And there aren't
12 going to be too many doctors or dentists, et cetera,
13 that want to be in that kind of a location.

14 And in cities, small and large, towns, major
15 cities, I think you see professional offices co-mingled
16 with residential areas, and they don't have to be a
17 detriment. And sometimes they are the prettiest looking
18 place on the block. I'm not saying that would be the
19 case here. I'm just saying they don't have to be a
20 detriment.

21 I think, as my brother was saying, we would
22 want to -- I would not want to be in a place that was
23 considered by the neighborhood a drag on the community
24 or the sore spot in the community. So we would try to

1 maintain, as best we can, a residential look to the
2 area.

3 Certainly, though, doctors just do not live
4 in their offices any longer. My dad had his office in
5 Ocean View, across the street from his house. I can
6 remember an occasion where somebody broke into his
7 office when he was there working, or tried to, thinking
8 he had drugs there. People just do not live in their
9 offices, plus there are privacy requirements these days.
10 You can't have kids and relatives, family coming and
11 going in a medical office. It's not accepted practice.
12 So I don't know what --

13 MR. ERIC HOWARD: What are your hours of
14 operation?

15 DR. PAUL HOWARD: Well, I did want to
16 address the issues, too, that Ms. Hudson and Ms. Weeks
17 had brought up about the numbers. My office hours are
18 nine to five, Monday through Wednesday, and nine to 12
19 on Fridays. I have actually tried on a number of
20 occasions to take every other Friday off, and there was
21 a clamoring that it was taking too long to get in to --
22 you know, get an appointment. So I would gladly take
23 some more time off if somebody can find me a way to do
24 it.

1 But the numbers were skewed in a way that's
2 assuming that I'm seeing 30 to 35 patients a day every
3 single day, and that's not the case. That would be
4 Monday through Wednesday and then about a half of that
5 on Friday. And like I said, I would gladly take some of
6 those Fridays totally off.

7 So if there was a second provider, you can't
8 just take the numbers and double it, number one, and
9 number two, you are making an improper assumption if
10 your thinking is 30 to 35 every day of the week. My
11 actual numbers are 100, 105 on an average week,
12 depending on the time of year and weather, et cetera.

13 MR. ERIC HOWARD: You don't have evening
14 hours?

15 DR. PAUL HOWARD: Correct, never have.

16 MR. ERIC HOWARD: You don't have weekend
17 hours?

18 DR. PAUL HOWARD: Correct.

19 MR. ERIC HOWARD: And if you had a second
20 physician, you wouldn't add those weekend and evening
21 hours?

22 DR. PAUL HOWARD: I think that would be very
23 unlikely, particularly at first. The person has to
24 build up their practice. I've been here for 20 years,

1 so we would more likely -- I'm one day in the operating
2 room and then I'm off half of a day. I could make that
3 a full day if it was necessary. We could -- you know,
4 the other thing, as Lisa was saying, it's impractical
5 to -- if you are sharing the space with somebody, you're
6 sharing the space. You don't see as many patients in a
7 given amount of time.

8 So I don't think you can just take those
9 numbers and say: Oh, we're going to double it and
10 that's a valid number. I don't think that's the case.

11 MR. ERIC HOWARD: Lighting, what type of
12 lighting would you have on the property?

13 DR. PAUL HOWARD: Well, I would -- whatever
14 lighting is requested from the Board. Given that we do
15 finish office hours at five, and in the middle of
16 wintertime, it's already getting dark sometimes, I don't
17 want people walking to their cars in the dark. So you
18 know, having said that, we would comply with whatever
19 the Board would request of us.

20 MR. ERIC HOWARD: The parking that you see
21 on the site plan, why do you have the number of parking
22 spaces that you have there?

23 DR. PAUL HOWARD: Because of the Town
24 Ordinance based on the square footage of the building.

1 MR. ERIC HOWARD: Let's talk about square
2 footage for a moment. The proposed size is
3 approximately 3,200 square feet?

4 DR. PAUL HOWARD: Yes. It's interesting.
5 You were talking about how you could work with what's
6 there. That's certainly, largely, what we did. The
7 building on the first floor is going to be total high
8 utilized. We don't have any intention of changing that
9 building except to make it more attractive, as Lisa
10 said, with the bay windows and changing the sliding
11 glass doors in the front.

12 But the building as it is, we would add on
13 roughly 1,800 square feet, that's correct, in the back
14 mostly.

15 MR. ERIC HOWARD: How large is your current
16 office?

17 DR. PAUL HOWARD: Just over 3,000 square
18 feet.

19 MR. ERIC HOWARD: So it's approximately the
20 same size as where you are now?

21 DR. PAUL HOWARD: Correct, correct.

22 MR. ERIC HOWARD: And do you have two
23 doctors where you are now?

24 DR. PAUL HOWARD: No.

1 MR. ERIC HOWARD: Just you?

2 DR. PAUL HOWARD: The other thing is we
3 don't do hearing aid services right now, and we need a
4 space for that. We're trying to begin that.

5 MR. ERIC HOWARD: What's the title of the
6 person who --

7 DR. PAUL HOWARD: Well, it's a technician.

8 MR. ERIC HOWARD: The technician would have
9 their own space?

10 DR. PAUL HOWARD: Correct.

11 MR. ERIC HOWARD: And they would have their
12 own space in this building?

13 DR. PAUL HOWARD: Probably, if we don't get
14 overcrowded. That was the plan, yes.

15 MR. ERIC HOWARD: How about stormwater? You
16 realize that anything you did would have to be approved
17 by the Soil Conservation District?

18 DR. PAUL HOWARD: That is correct, of
19 course.

20 MR. ERIC HOWARD: Preliminarily, have you
21 had any discussions with -- well, who's helping you if
22 you were to retain somebody to do the engineering,
23 arrange who you need?

24 DR. PAUL HOWARD: Mr. Chuck Adams.

1 MR. ERIC HOWARD: Chuck Adams of Adams-Kemp?

2 DR. PAUL HOWARD: Yeah.

3 MR. ERIC HOWARD: Is it fair to say his
4 initial discussions with Soil Conservation, are you
5 certain it's going to have to be understand groundwater
6 storage?

7 DR. PAUL HOWARD: Correct.

8 MR. ERIC HOWARD: You won't have any
9 stormwater retention ponds on the property?

10 DR. PAUL HOWARD: Correct.

11 MR. ERIC HOWARD: So it will look like a
12 residence, also, in that aspect?

13 DR. PAUL HOWARD: Correct.

14 MR. ERIC HOWARD: Is there already a fair
15 amount of the property that is paved, as we stand here
16 tonight?

17 DR. PAUL HOWARD: Yes.

18 MR. ERIC HOWARD: And do you know the
19 history of that or why that was? Is it just the way
20 it's always been?

21 DR. PAUL HOWARD: No. I guess Lisa could
22 elaborate a little better on it. But I think some of it
23 was for the convenience of turning around -- am I
24 correct -- and not having to back on to Union Street,

1 which is a heavily traveled street and has been for
2 years?

3 MR. ERIC HOWARD: You said generally about
4 patients, you know, preferring not to go to strip malls
5 or wanting to go to, you know, a residential type
6 setting. Have you had any discussions with any of your
7 patients in particular about that?

8 DR. PAUL HOWARD: Yes, uh-huh.

9 MR. ERIC HOWARD: What have they said to
10 you?

11 DR. PAUL HOWARD: Do you mean with regards
12 to this move, in particular? I haven't had one negative
13 comment, not one.

14 MR. ERIC HOWARD: People -- Has anyone said,
15 you know, it would be much more convenient for them if
16 you were to move?

17 DR. PAUL HOWARD: Yes. No, I was -- yes.

18 MR. ERIC HOWARD: You heard Lisa talking
19 about the letters that were from the adjoining property
20 owners. Have any of the adjoining property owners said
21 anything to you that they felt they had a problem with
22 the application or it would have an impact, a negative
23 impact, on their property?

24 DR. PAUL HOWARD: No. There were natural,

1 appropriate questions about, you know, things we've
2 talked about, lighting, runoff.

3 MR. ERIC HOWARD: That's all the direct
4 questions I have for Dr. Howard.

5 MAYOR POST: I have just one question. Is
6 this amount of square footage, the 3,290 plus a few
7 inches, is that absolutely the need for this size for
8 you to operate a --

9 DR. PAUL HOWARD: It can be pared down, but
10 it would be difficult. That's where we are right now.
11 I mean that's the size we are using now. And as I said,
12 I'm hoping to begin to offer my patients that, where
13 it's appropriate, amplification -- that is, to say
14 hearing aid services -- right in the office so they
15 wouldn't have to see me and then go elsewhere. So we
16 would need space for that.

17 So paring it down could potentially be done.
18 I think I would be open to suggestions. But there would
19 be a limitation, because we are pretty much utilizing
20 our space.

21 MAYOR POST: What is your square footage of
22 your current --

23 DR. PAUL HOWARD: It's just over 3,000.

24 MAYOR POST: -- at your current location?

1 DR. PAUL HOWARD: I did not design the
2 building, and I haven't actually seen the blueprints,
3 frankly. But it's just -- I know it's just over 3,000.

4 MAYOR POST: But your current, your current
5 building, where you operate currently, is over 3,000? A
6 little over 3,000?

7 DR. PAUL HOWARD: My part of the building.

8 MAYOR POST: Your part?

9 DR. PAUL HOWARD: Correct, which is half of
10 the building.

11 MAYOR POST: But the space that you
12 currently operate under --

13 DR. PAUL HOWARD: Correct.

14 MAYOR POST: -- is around -- a little over
15 3,000 square feet?

16 DR. PAUL HOWARD: That's correct, yes.

17 MAYOR POST: Okay. Any other questions from
18 Council?

19 COUNCILMAN PRETTYMAN: I guess one question.
20 As they were talking about the building -- I mean this
21 kind of a rough sketch building here -- I would like
22 to have seen something in color or something a little
23 more -- showing me exactly the texture of what you are
24 going to cover the building with, how that building is

1 going to look. Also, I would like to --

2 DR. PAUL HOWARD: Well -- I'm sorry. I
3 thought you were done with me.

4 COUNCILMAN PRETTYMAN: Also, I would like to
5 have seen the shrubbery, what you are going to put --
6 somebody to tell what is going to go around it to kind
7 of make it look like a home.

8 DR. PAUL HOWARD: Right.

9 COUNCILWOMAN BETTS: Landscaping.

10 COUNCILMAN PRETTYMAN: Landscaping.

11 DR. PAUL HOWARD: Well, we would be -- we
12 would be -- all of those things would be negotiable,
13 from my point of view. Okay?

14 COUNCILMAN PRETTYMAN: From your point of
15 view.

16 DR. PAUL HOWARD: The plan was to duplicate,
17 complement the siding that is on there right now --

18 COUNCILMAN PRETTYMAN: Okay.

19 DR. PAUL HOWARD: -- okay, like a clapboard
20 type of siding. When I say clapboard, I mean maybe with
21 a modern --

22 COUNCILMAN PRETTYMAN: Right.

23 DR. PAUL HOWARD: -- type of siding, as
24 opposed to old fir or something. And I think that the

1 site plan does have some shrubbery drawn on it. But
2 again, we would be negotiable with that. I mean I would
3 want to do as much as we could to make it look
4 residential, to obscure some of the largeness, if people
5 think it's large, by way of landscaping. On the other
6 hand, we would have to not obscure vision with coming --
7 entrance and exit, you know. But beyond that, it would
8 be totally negotiable, as far as we are concerned.

9 MR. ERIC HOWARD: If I could speak to that,
10 too, just for a moment, we kind of -- not kind of, we
11 did -- combined the conditional use application, along
12 with a preliminary site plan, before the Planning &
13 Zoning Commission. But when the Planning & Zoning
14 Commission ruled as they did, we kind of put a hold on
15 the -- we put a hold on formalizing and following up and
16 getting a more detailed plot plan.

17 I mean as Paul said, it certainly would be
18 appropriate to say anything the Board did or Council did
19 to condition it on to come back and give us final site
20 plan for review so we can see exactly what you're going
21 to do. But we kind of put -- you know, instead of us
22 applying for a conditional use and say we'll come back
23 with a site plan later if it's approved, we tried to
24 give you as much as we could. But then we kind of

1 stopped.

2 DR. PAUL HOWARD: On that site plan -- and
3 getting back to Ms. Hudson's question earlier about
4 where the parking would be -- on that site plan, the
5 back corner was actually not to be paved, but to have
6 plantings and a gazebo. The parking -- I think a large
7 part of the parking would actually be obscured by the
8 building from the road. I think there would not be a
9 lot additional you could see unless you were trying to
10 see it that isn't already there. I think most of the
11 new paving would be behind the building.

12 So that back corner, where the two parking
13 areas would come together, was to be landscaped. I
14 don't know if -- and again, the number of parking places
15 was not something that we determined based on: Okay.
16 We counted our cars. We counted the number of cars
17 coming and going. It was based on the Ordinance
18 requirements by square footage.

19 MAYOR POST: Well, we can require landscape
20 architecture, the landscaping. And I'm just going by
21 the notes of our consultant, who provided some comments.
22 And it's just noted that it's required that you need
23 six-foot parking, setbacks.

24 DR. PAUL HOWARD: Uh-huh.

1 MAYOR POST: It was just a comment that at
2 times it seems on -- I don't know which site plan --
3 that it showed that they varied from like two to four.
4 But there is an understanding that it has to meet or you
5 have to get a variance on it. But they note that it's
6 not -- that it does not. And I don't know, you know --

7 MR. ERIC HOWARD: Mr. Adams and I were
8 looking at this to see if this was to scale. I was
9 thinking it would -- the intent was we can. We have the
10 room to make it comply to the Ordinance without asking
11 for a variance.

12 MAYOR POST: Okay.

13 MR. ERIC HOWARD: That's the kind of thing
14 that there was discussion at the Planning & Zoning about
15 a fence or a natural landscaping. I think the Howards
16 would prefer a natural landscaping.

17 MAYOR POST: Uh-huh.

18 COUNCILWOMAN ABRAHAM: Yeah.

19 MR. ERIC HOWARD: But if the preference of
20 the Council is fencing, we'll do that now.

21 COUNCILWOMAN ABRAHAM: Dr. Howard.

22 DR. PAUL HOWARD: Yes.

23 COUNCILWOMAN ABRAHAM: Is that more than
24 ample parking, what's required? I mean is that plenty

1 for -- I'm not going to hold you -- how many patients
2 you are going to see in an hour that could be parked
3 there within an hour? But is it more than ample?

4 DR. PAUL HOWARD: You are asking could we
5 spare to cut some of them out?

6 COUNCILWOMAN ABRAHAM: Well, I don't know.
7 If down the road it's --

8 DR. PAUL HOWARD: I think we are probably --
9 I think we probably could, yes. We are trying to comply
10 with the Ordinance.

11 COUNCILWOMAN ABRAHAM: I was just thinking
12 employee parking, if you happen to bring in a tech to
13 fit the hearing aids --

14 DR. PAUL HOWARD: Right.

15 COUNCILWOMAN ABRAHAM: -- plus what patients
16 you have.

17 DR. PAUL HOWARD: Well, that would be
18 somebody that is already employed --

19 COUNCILWOMAN ABRAHAM: Oh, okay.

20 DR. PAUL HOWARD: -- that's in training.

21 MR. ERIC HOWARD: How many employees do you
22 have?

23 DR. PAUL HOWARD: Four right now.

24 MR. ERIC HOWARD: So what's the maximum that

1 you envision you would have?

2 DR. PAUL HOWARD: Well, with just me, four.
3 It will probably stay that way in the near future -- in
4 the foreseeable future.

5 MR. ERIC HOWARD: There would be five total
6 people working there?

7 DR. PAUL HOWARD: Correct.

8 COUNCILMAN PRETTYMAN: Okay. Where will
9 your delivery trucks be coming? In the back? I don't
10 see --

11 DR. PAUL HOWARD: We have -- It would have
12 to be at the back entrance, I would think. But I will
13 tell you that we have very little in the way of
14 deliveries. In fact, I think the staff picks up most of
15 the stuff; do they not? 9:32:28 (unintelligible). When
16 we get deliveries, it's usually Fed Ex delivering a
17 package or something like that, by and large.

18 COUNCILMAN PRETTYMAN: Okay.

19 MAYOR POST: It does require --

20 COUNCILMAN PRETTYMAN: Okay. With your
21 illuminant lighting and everything, I guess that's
22 something that Planning & Zoning or Council would be
23 able to -- Say, in the wintertime, it will be darker so
24 you will have it a little brighter. But is there a way,

1 with our technology today, that that light would be
2 dimmer after you are closed so it wouldn't be so
3 illuminated --

4 DR. PAUL HOWARD: I would think they could
5 be completely off once people are gone, you know,
6 within --

7 COUNCILMAN PRETTYMAN: I would think you
8 would want something on for security.

9 DR. PAUL HOWARD: Yet, I guess you would
10 need something. But from my perspective, my only
11 concern really there is employees' and patients' safety,
12 you know. So I would do whatever the Council Board
13 would ask of us in that regard.

14 COUNCILMAN PRETTYMAN: She told me we
15 could have -- Mayor, Councilman Melson told me we could
16 have -- or you could have motion sensors. So you know,
17 that's one thing that I was really thinking about,
18 because even though you are closed and everything, there
19 will be people taking short cuts and stuff to go down or
20 stumble and hurt themselves.

21 DR. PAUL HOWARD: Right.

22 COUNCILMAN PRETTYMAN: Talking about that
23 lighting there.

24 MAYOR POST: Now, are you planning on

1 having -- I'm trying to read some of these notes here --
2 a gazebo on the property?

3 DR. PAUL HOWARD: That was one of the things
4 that we suggested to potentially make it look more
5 residential, with some landscaping around it.

6 MAYOR POST: I was just reading these notes
7 here, just so that that would be --

8 DR. PAUL HOWARD: They don't have this right
9 there.

10 MR. ERIC HOWARD: Oh, okay. There's a
11 couple -- I apologize. Does the Council have the
12 drawings?

13 COUNCILMAN PRETTYMAN: Yes.

14 COUNCILWOMAN BETTS: Yes.

15 MAYOR POST: Yeah, but I don't think --
16 there's no gazebo pictured on it.

17 MR. ERIC HOWARD: It's hard, because it's
18 not in color. But it's at the back --

19 COUNCILWOMAN ABRAHAM: Oh, yeah, it's in the
20 corner.

21 COUNCILWOMAN HUDSON: In the corner.

22 COUNCILWOMAN ABRAHAM: In the corner.

23 MAYOR POST: Oh, it's this thing. Okay.

24 It's by the tree. Under the 9:34:43 (unintelligible)

1 where there's a tree.

2 COUNCILMAN PRETTYMAN: I know you said --

3 MAYOR POST: You are going to keep these
4 trees along the back line?

5 DR. PAUL HOWARD: That was the plan. In
6 fact, as Lisa said, we had, in fact, wanted to take a
7 couple more. But it was, I think, a liability, I think.

8 MAYOR POST: Well, but mulberries, you said
9 they dropped purple on the cars. I think then I can
10 understand that.

11 DR. PAUL HOWARD: And the stains in the
12 carpet.

13 MAYOR POST: They are horrible. They are
14 horrendous. I hate to see any tree go --

15 DR. PAUL HOWARD: Uh-huh.

16 MAYOR POST: But they must have been
17 mulberries, because I know they'll do that.

18 DR. PAUL HOWARD: Uh-huh.

19 MAYOR POST: They're a nightmare. You will
20 be utilizing the second floor of the existing dwelling?

21 DR. PAUL HOWARD: Storage and we had thought
22 about using it also as a break room, but mostly storage.
23 When I say break room, people -- you know, 15 minutes,
24 20 minutes is what they get, unfortunately. We are so

1 busy most of the time. But mostly storage.

2 MAYOR POST: Mostly storage.

3 COUNCILWOMAN HUDSON: So the only way to
4 reduce the 19 parking spaces would be to get a variance.
5 Is that what you are saying?

6 DR. PAUL HOWARD: I believe so, based --

7 COUNCILWOMAN HUDSON: Thank you.

8 DR. PAUL HOWARD: -- on the Ordinance.

9 MR. ERIC HOWARD: Either that or reduce the
10 building size. I mean it's tied to square footage.

11 DR. PAUL HOWARD: Right. And that's
12 specified by the type of business, I believe. That, for
13 a medical office, is one every 200 square feet, I
14 believe, I believe.

15 MAYOR POST: Yes. In this report it's 19
16 off-street parking spaces are required. And you have
17 19. So if you --

18 DR. PAUL HOWARD: Uh-huh.

19 MAYOR POST: -- were to reduce them, then
20 you would need a variance.

21 DR. PAUL HOWARD: But that also is an
22 argument against the concept that we might try to turn
23 into a medical complex, quote, end quote. It's maxed
24 out. You know, this building cannot get any larger

1 unless you build a high rise parking lot.

2 MAYOR POST: And you're saying that everyone
3 surrounding that property has pretty much --

4 DR. PAUL HOWARD: Well, you have the letters
5 in your possession.

6 MAYOR POST: Yes.

7 COUNCILWOMAN BETTS: Don?

8 MAYOR POST: Yes.

9 COUNCILWOMAN BETTS: I talked with -- eight
10 people I called that I talked to tonight before Council
11 that's in that neighborhood. There was not one against
12 it. In fact, they were all encouraging it.

13 9:37:55 UNKNOWN SPEAKER: Can you speak up
14 just a bit?

15 MAYOR POST: She said that she had talked to
16 eight neighbors this evening prior to the meeting --

17 COUNCILWOMAN BETTS: To check to see what
18 their thoughts were.

19 MAYOR POST: Yes. And they all supported.

20 COUNCILWOMAN BETTS: Everyone supported it.

21 MAYOR POST: -- the project.

22 COUNCILWOMAN BETTS: I had no non -- no one
23 asking us not to support it. I talked to eight
24 neighbors right around it.

1 COUNCILMAN PRETTYMAN: Do we have any
2 letters on record that anyone has -- that did not want
3 it?

4 MAYOR POST: We --

5 COUNCILWOMAN HUDSON: Yes. There have been
6 a number of records -- letters written into the record.

7 COUNCILMAN PRETTYMAN: I mean not --

8 COUNCILWOMAN HUDSON: Hmm?

9 COUNCILMAN PRETTYMAN: I'm talking about
10 not, that did not want it.

11 COUNCILWOMAN HUDSON: Yes.

12 COUNCILWOMAN ABRAHAM: Where?

13 COUNCILMAN PRETTYMAN: I haven't seen them
14 then.

15 COUNCILWOMAN HUDSON: People --

16 COUNCILMAN PRETTYMAN: The ones that I've
17 seen have all been positive.

18 9:38:44 UNKNOWN SPEAKER: Could you speak
19 up, please?

20 COUNCILWOMAN HUDSON: There were letters
21 written into the record about the --

22 COUNCILWOMAN ABRAHAM: Oh, at Planning.

23 COUNCILWOMAN HUDSON: -- at the original
24 meeting, Planning & Zoning.

1 COUNCILWOMAN BETTS: But here now?

2 COUNCILWOMAN HUDSON: Planning & Zoning.

3 COUNCILWOMAN ABRAHAM: Here.

4 COUNCILWOMAN BETTS: Here? Do you have any
5 here?

6 COUNCILMAN PRETTYMAN: I'm talking about
7 here tonight.

8 COUNCILWOMAN HUDSON: And people have spoken
9 up against it here, so --

10 COUNCILMAN PRETTYMAN: Okay.

11 MAYOR POST: I know. That's what I was
12 looking for.

13 COUNCILWOMAN ABRAHAM: What type of sign did
14 you have in mind?

15 DR. PAUL HOWARD: Again, whatever is
16 required of us. I would want something very
17 unobtrusive, just by my nature. But we would do
18 whatever is required of us.

19 COUNCILMAN PRETTYMAN: Keeping in our
20 historical --

21 MR. ERIC HOWARD: That's the same thing. I
22 mean we would be happy to come back for the Council with
23 a proposed sign before it goes up.

24 COUNCILWOMAN BETTS: Well, it would have to

1 go with our Ordinance.

2 MR. ERIC HOWARD: Correct. At a minimum, it
3 would have to comply with the sign ordinance.

4 COUNCILWOMAN BETTS: Exactly.

5 COUNCILWOMAN HUDSON: I've had a number of
6 people from all over town call me with their concerns
7 about putting a business in a residential area. Even in
8 the past, I've even heard Town Council members,
9 including our Mayor, speak out against spot
10 commercialism or spot commercial development. And when
11 you talk about a doctor's office, there's a lot of
12 emotion involved.

13 But the reality is, I see that the Howards
14 want to operate a business in a residentially zoned
15 area. And to ask for a commercial use is a back door
16 and easy way of putting commercial in a residential
17 area. And I believe this is a very bad precedent for
18 the town.

19 The Howard's took advantage of the fact that
20 the Town does not have a tree ordinance and cut down a
21 number of trees. They didn't hire an arborist. They
22 hired Bill Boyle, who worked for the power company, to
23 take down the trees.

24 Also, the Howards have taken advantage of

1 the fact that the Town Council did not start a year ago
2 to expand the historic district. This residence is one
3 house away from the border of the historic district.
4 And they did not have to go before the Historic
5 Preservation Committee for approval.

6 Additionally, as we've heard from both
7 Mr. Howard and Mr. Howard and Mrs. Howard, they want to
8 pave over -- actually, it's two backyards of two lots
9 and put enough parking for up to 19 vehicles. And this
10 will add a considerable amount of heat from the hardtop
11 and exhaust from the cars and pollution from stormwater
12 runoff that will run into the neighbors' property. Even
13 Dora Horn, who lives next door to the property,
14 mentioned that what little bit of asphalt or concrete
15 that is there, that U shape, creates runoff on her
16 property.

17 The Howards want to remodel the home to
18 accommodate up to two physicians, their staff, and
19 potentially 70 patients a day. And this could happen
20 anywhere in this town. As said, it's a precedent. And
21 think about what would happen to your homes that you
22 own. Would you like there to be a parking lot next door
23 to you while you are sitting there enjoying your day
24 off -- or if you are retired, your day -- in your

1 backyard, and a few feet from your lawn chair is a
2 parking lot with people constantly going in and out
3 three to five days a week most of the time?

4 And the Howards would not be living at this
5 address. It won't be their residence or a home to
6 anyone. They are not there for the beauty of the town
7 or the beauty of the home so much as they are there for
8 the money the business will earn for them. And then
9 consider the residences on each side of the businesses
10 will still be residences to people living in them.

11 Some realtors will tell you that developing
12 a business in a residence would devalue the properties
13 around it. And personally, I agree with that. I think
14 the Howards would have a hard time selling this as a
15 residence in the future, because it would be permanently
16 altered. My guess is that it would remain a business
17 forever, until he goes out of business.

18 In the past few years -- and I've lived here
19 since 1969. And in the past few years I've seen the
20 Town approve requests for home occupations, conditional
21 and special uses. We've got Abraxas -- I don't think I
22 said that right -- anyway, the art studio on Federal
23 Street. On the other end, on Union, you have Bark
24 Avenue and an interior decorator. Over on Chestnut

1 Street, you have a hair salon. In Shipbuilders Village
2 you have a daycare. And right on Tilney and Mulberry,
3 the church wants to put a daycare in there. So it's any
4 part of this town; it's not just Union.

5 This is -- Potentially, you could drop a
6 business right down next door to you, wherever you are
7 living, cut down the trees, pave over the parking lot,
8 pave over the backyard, and remodel the house and put a
9 business in it. And you thought that you were living in
10 a residential area, and it turns out it's not. And
11 that's not what I came here for. That's not what a lot
12 of people who called me came here for.

13 COUNCILWOMAN BETTS: Ms. Hudson --

14 COUNCILWOMAN HUDSON: They bought houses,
15 because they wanted to live in a residential area and
16 see their families grow up in a residential area. And
17 should the art studio close down or Bark Avenue close
18 down or the interior decorator or any of the other home
19 occupations or conditional uses, it would be just a
20 matter of removing the signs, removing the decorations,
21 repainting the shutters or the entranceway, and the
22 homes are basically unchanged, because they didn't
23 substantially change anything, just minor things.

24 Another thing to consider is when people

1 look on the Milton Town site and the Milton website, the
2 first two things they see are pictures of the river and
3 Milton's historic homes. Studies have shown that
4 tourists come to these towns to see the historic homes,
5 the culture, and they stay longer and they spend more
6 money. The Howards, in my opinion, it would be the
7 start of developing Union Street, Federal Street, and
8 any other part of this town into Savannah Road.

9 It's not just doctor's offices. It's
10 businesses. And it does change the character and
11 quality of a town.

12 And recently, you may have seen some
13 articles in the paper about historic tours that are
14 going to be given this Saturday. I'm going to be
15 walking with Melissa Hoff on a historic tour. I don't
16 think that Lewes Historic Society is giving tours of
17 Savannah Road. It's not why people go into Lewes. It's
18 not why people come into Milton.

19 Many homeowners throughout this town do not
20 have a strong homeowners association with covenants to
21 protect them. They are relying on a strong Town Council
22 with strong ordinances to protect them. And I ask the
23 Town Council to encourage businesses to develop in areas
24 already zoned commercial and to develop in a town center

1 and not in our residential area.

2 I consider and I would ask that the Town
3 consider the Planning & Zoning Commission voted four to
4 three against granting permission for the development of
5 this business. I believe Planning & Zoning made the
6 right decision, and I fully support it. I ask the Town
7 Council to vote against granting a conditional use
8 permit for the Howards' business. Thank you.

9 COUNCILWOMAN BETTS: Ms. Hudson, you talked
10 about the parking not having so many spaces. Not too
11 long ago, a couple, three months ago --

12 9:47:31 UNKNOWN SPEAKER: A little louder,
13 please?

14 MAYOR POST: Louder.

15 COUNCILWOMAN BETTS: Two or three months
16 ago, we approved the dog shop up here that did not have
17 enough spaces. Now it seems like that these people have
18 enough spaces and they are getting talked about because
19 they have too much space. We've got to make this a
20 happy medium somewhere.

21 COUNCILWOMAN HUDSON: Well, a happy medium
22 would be for them to be in a commercial area or the town
23 center --

24 COUNCILWOMAN BETTS: Well, the others

1 were --

2 COUNCILWOMAN HUDSON: -- I believe.

3 COUNCILMAN PRETTYMAN: Okay. I listened to
4 you, Councilwoman Hudson, and I do have some concerns --

5 MAYOR POST: Into the mike.

6 COUNCILMAN PRETTYMAN: Oh, I'm sorry. I do
7 have the concerns and everything. But as far as I am
8 seeing with Dr. Howard, they are not changing the house
9 at all. The front of that house is still going to be
10 the same, right?

11 DR. PAUL HOWARD: I would consider it
12 cosmetically improved, with --

13 COUNCILMAN PRETTYMAN: Improved, yes. But
14 you're not going to --

15 DR. PAUL HOWARD: -- from the road.

16 COUNCILMAN PRETTYMAN: -- like redo the
17 whole front of it and everything. You're going to keep
18 it looking basically --

19 DR. PAUL HOWARD: Correct.

20 COUNCILMAN PRETTYMAN: -- with that of the
21 area that it is in?

22 DR. PAUL HOWARD: Correct.

23 COUNCILMAN PRETTYMAN: And also, with the
24 parking and the neighbors and everything, we've already

1 discussed and then his plans to have shrubberies that
2 they are going to have all around the back parking lot
3 to give the neighbors the privacy that they to not have
4 to have all -- you know, they can still have their
5 privacy, the neighbors.

6 So you are, aren't you? From what I saw? I
7 saw that.

8 DR. PAUL HOWARD: Whatever is required of
9 us, that would be the plan, yes.

10 COUNCILMAN PRETTYMAN: Right, yes.

11 DR. PAUL HOWARD: Unless somebody thinks
12 there's a better plan.

13 COUNCILMAN PRETTYMAN: And I look at it, and
14 when we talk about -- and I hear you talk about this
15 back top and that. Okay. Right next door, there's the
16 church there. I mean -- and it has a lot more blacktop
17 than what Dr. Howard is having. So are you going to say
18 the church is not allowed to have a parking lot?

19 Maybe they own that field behind there, and
20 they may want to make it a larger parking lot. You
21 know, I have issues with these things that we are --
22 that are being brought up. I understand, but I still
23 feel that Dr. Howard should be given the rights to come
24 and to do his office here.

1 I'm a native of this town. I was born in a
2 house on Mulberry Street some 60-plus years ago. And I
3 didn't get very far from home, because I'm living right
4 down the street on Mulberry Street. And I have seen
5 things go and come here in this town. I've seen it when
6 it was at its peak -- and some people don't realize we
7 were at a peak -- and I've seen it down.

8 And now we have an opportunity to give a
9 young person the opportunity to come to our community
10 and provide a service. And with his service, those
11 people will come to visit our shops. They will come to
12 eat in our restaurants. They even may want to move here
13 after coming here and seeing the quaint, little town
14 that we have. And this is something that I think we're
15 just going to be cutting our throat if we don't give
16 Dr. Howard the right to come.

17 COUNCILWOMAN BETTS: I also feel that we
18 have elderly people in this town, and they cannot get
19 out of the town to go to doctors. And I think we should
20 encourage doctors to come here, because a lot of people
21 cannot leave the town. And if they don't have to leave
22 the town, they will shop in our town.

23 COUNCILMAN PRETTYMAN: If you build it, they
24 will come.

1 MAYOR POST: And I just want to comment a
2 little bit. And I also want to kind of comment
3 regarding Councilwoman Hudson, because what's amazing,
4 even though I do see an issue with cutting down the
5 trees that have happened, but you know, to sit there and
6 say nothing has happened in that regard in the last
7 year, what about the 40 or 50 years prior?

8 We are moving in the right direction with
9 this. We've had many things on our plate this past
10 year. I also would like to say the same, as far as any
11 comments to regarding the Abraxus Studio, which I've
12 never set foot in -- I'll be honest. Bark Avenue, and
13 I've certainly be in there, and I've never been in the
14 design, the interior design studio. But I do find those
15 assets to the Town of Milton. And we are very small
16 downtown. And God bless anybody that wants to take a
17 chance on opening a business in this town.

18 I have mixed -- strong mixed emotions about
19 this, because I am very disenchanted in the style of it,
20 semi-disenchanted about the dog and pony show here
21 tonight, because you know, we are not stupid. You know,
22 you call it as it is. And you know, it's a medical
23 office, and fine, it's a medical office. But don't make
24 it look like some hometown doctor's office on the Little

1 House on the Prairie.

2 I do think, you know, that medical offices
3 are important to a town. And they are a reason why
4 people move to a town, is a town that has efficient
5 health providers. I do think this goes a little by the
6 realm of a commercial -- a home conditional use
7 application.

8 But I must say, you know, we are moving into
9 a direction. And where was everyone when all the flood
10 gates were opened? The developments are here. There
11 will be more coming. And that brings people wanting
12 more, whether you like it or not. But you know what?
13 You can't close the door after you have let the cows out
14 of the barn.

15 So you can sit there and say you want Milton
16 to be charming. There's ways of controlling that, yes.
17 And I think it's very important, and I've been adamant
18 about it. And I've been adamant about the historic
19 district.

20 And I do want to go back, you know, to say
21 that if you think the answer of solving the world's
22 problem with this historic district is the answer to
23 this Zoning Ordinance, you're totally wrong. It's going
24 to take a lot more.

1 So Councilwoman Hudson, if you take issue
2 with this previous year of the issue of the Ordinance
3 and think that this is the cure-all and you think the
4 entire town is going to be placed on the National
5 Register or even the Town Register in the next year or
6 two, I think it's a little bit of a pipe dream. I think
7 we're lucky if we get 30 or 40 homes added per year.

8 COUNCILWOMAN HUDSON: I think you're
9 sidetracking.

10 MAYOR POST: But again --

11 COUNCILWOMAN HUDSON: You're putting words
12 in my mouth.

13 MAYOR POST: I'm not sidetracking, because
14 you certainly wanted to start the sidetrack, and I'll
15 continue it, Councilwoman Hudson.

16 COUNCILWOMAN HUDSON: That's not what I
17 said.

18 MAYOR POST: And I am speaking now. But
19 please don't -- and if you want to take it to a
20 sidetrack, that's fine. Don't think this is the cure-
21 all to prevent this issue that's happening here tonight,
22 because it's not going to be. It's going to take much
23 more work than any other ordinances we currently have
24 regarding the protection of the historic district. And

1 I've seen what's already happened. So if you want to
2 talk about authentic preservation, we can discuss that
3 topic at another time.

4 But I do think that there's times like
5 tonight that make this job very difficult. And I've
6 been through a lot this year with many outside issues.
7 But to me tonight, this is a tough one for me, because I
8 do see medical services vital for the town, and
9 especially diverse medical services.

10 I do not have a problem with -- if you want
11 to call it spot zoning, that's fine, because I'm telling
12 you, we've had a trend for years. We have a medical
13 complex only one block down from this parcel. We have a
14 church -- two churches in the same block. We have
15 Tony's TV. We have the clock shop. We have -- but we
16 have had it over the years, as the town progresses. And
17 the town is progressing more than ever right now. And
18 it's going to continue.

19 And if we don't provide these assets, I
20 would be very concerned, as well, with developers of the
21 future in this town, as far as the sales of the
22 properties and what people are looking for.

23 The key is a balance. Keeping something
24 that looks in character -- I'm not quite sure if this --

1 well, as a matter of fact, I don't feel this looks in
2 character. I'll be honest. You know, don't keep
3 claiming the Victorian large home, because no matter
4 what you do with this parcel, it's not a large Victorian
5 home. I think there is a way, with a better
6 architectural design, that would capture a better flair
7 of character. I guess totally we can't regulate that,
8 but it's certainly something I would like. I would
9 certainly like to see schematics of the drawings of the
10 building in detail so we can make it part of the
11 conditional use. Councilmen may say different, but
12 those are the types of things that I would like to see
13 entered right onto -- when a final site plan is done,
14 that you know what you're getting. And I think that's
15 very important, because you know then what you are
16 buying.

17 But you know, I've said my piece. It's --
18 All I can say is there's nights like tonight that you're
19 not going to make everybody happy.

20 9:57:51 COUNCILWOMAN BETTS:
21 (Unintelligible).

22 MAYOR POST: Go ahead. I will allow it. Go
23 ahead. I mean you have heard the -- yes, go ahead.

24 MR. ERIC HOWARD: Am I to --

1 COUNCILMAN PRETTYMAN: Yes.

2 MS. REYNOLDS: Hi. My name is Lisa
3 Reynolds. I came here in 1963 via birth. So I've lived
4 here all my life. And somewhere along the line of
5 cutting down trees, I think we've lost the medical issue
6 of the benefit this practice would have in Milton.

7 Three years ago, it was nothing to jump in
8 the car and ride to Lewes and see your doctor. I think
9 now you have to go through three or four or five lights
10 to get there. So you are not guaranteed you're even
11 going to be on time.

12 I've only met Dr. Howard one time. My
13 problem was bigger than he could handle, and I was sent
14 up north. But I'm the parent of a child with hearing
15 problems. And I just would like for any parent or any
16 adult to have the opportunity, you know, to come to
17 Milton. Like you said, some of them may shop here.
18 They may come to Irish Eyes and have lunch or do we go
19 to the new Norma's someday and have dinner.

20 I don't think it's about chopping down
21 trees. I'm all for recycling. I teach it. I'm like
22 ate up with it right now. But that's beside the point.
23 You know, I think we need it. It's important to this
24 community, and I hope to see it pass for the family and,

1 not only for the family, for the community. I think we
2 need it. Thank you.

3 MR. ERIC HOWARD: We are concluded with our
4 presentation. And I would ask if it is appropriate, I
5 do have possibly the right to speak after public
6 comment. We have no further evidence to present.

7 MAYOR POST: Sure, sure. That's fine.

8 9:59:55 MS. JONES: (Unintelligible).

9 MAYOR POST: Yes, Marion, I will. I will --
10 This is an important issue. I will. Go ahead. I mean
11 you can speak.

12 MS. JONES: Marion Jones. Well, I listened
13 tonight. I don't see this as an issue of a doctor's
14 office at all. I think a doctor's office would be very
15 advantageous in a commercially-zoned area.

16 I think the issue tonight, from my point of
17 view, is if not tonight, when do you hold the line for
18 spot zoning? And my argument is not that Union Street
19 is going to become Savannah Road, full of doctor's
20 offices. But Union Street at this rate will become a
21 line of nothing but commercial buildings. This is a
22 matter of holding the line. And if Council doesn't take
23 the stand now, when?

24 Councilwoman Betts, Councilwoman Hudson was

1 not on board at the time on Council when you waived the
2 parking issue for Bark Alley and the interiors. So you
3 had the power to waive or hold the line then. So
4 Councilwoman Hudson, I think, could have had a hard time
5 answering to that. Thanks.

6 MAYOR POST: Thank you. We do have another.
7 Brenda?

8 MS. HUGHES: Yes.

9 MAYOR POST: Come up to the mike and just
10 say your name.

11 MS. HUGHES: My name is Brenda Hughes. I'm
12 a little better at singing than I am at speaking. I
13 don't ordinarily speak.

14 But I am a patient of Dr. Howard's, and I
15 think he's a very respectable person. And I know Lesa.
16 And I would really like to see Dr. Howard come into
17 town. And I can remember as a child coming to -- I've
18 been in Milton most of my life. I've actually lived
19 here for 37 years, almost 38 years. And I can remember
20 on Chestnut Street, going to McGee's Ice Cream Store,
21 which was in a residential area. And we have had --
22 throughout the years, we have had many businesses that
23 have be able to function in a residential area. And I
24 do believe that we do have to have regulations. And as

1 long as the business people are willing to cooperate and
2 negotiate where need be, especially with doctors. And
3 as was said a little bit -- a few minutes ago, the
4 traffic in the Lewes area is just horrendous. And you
5 know, I just feel that Dr. Howard would be a wonderful
6 asset to the town.

7 And Dr. Howard, you don't have my letter,
8 but I did hand in the letter when I came in tonight. So
9 they have it.

10 But anyway, I just feel that we need to come
11 together as a community and work together as a team,
12 because getting things to come out the right way for
13 everyone involved is team work. It's like a baseball
14 team.

15 You know, I don't come to Council meetings
16 very much. But when I have come, I've seen a lot of
17 controversy and a lot of tension and hard feelings. And
18 I'm not trying to get off track. It's just that
19 personally, I would like to see more team work and more
20 cooperating together and I guess less negativism.
21 That's the way I want to put it.

22 But I really feel that Dr. Howard's office
23 would be an asset and perhaps, you know, the Council and
24 Dr. Howard and the architect and whoever else could get

1 together and discuss how the property could be more in
2 line with what the Town would like to see. If you're
3 not happy with the design that he has presented, then I
4 just feel that negotiations could be done to meet
5 everyone's purposes. Thank you.

6 MAYOR POST: Thank you.

7 MR. BRITTINGHAM: Good evening. My name is
8 Ken Brittingham. And obviously, I'm here to support my
9 sister Lesa and Paul. And as has been said several
10 times this evening, our family is deeply embedded in
11 Milton.

12 My mother had her flower shop, started her
13 flower shop, Gladys's Flower Shop in Downtown Milton
14 many years ago, and then moved it out to Chestnut
15 Street. And my brother currently has Brittingham
16 Produce in my grandfather's former home, Herman Oster
17 Brittingham. And my grandfather on the other side was a
18 button cutter in the wintertime and a farmer in the
19 summertime.

20 And I'm one of those kids that rode my bike
21 down to Prettyman's and tried to convince Mr. Prettyman
22 to give me some ice on a hot summer day.

23 So our family has been involved in Milton
24 and will continue to be in Milton for many, many years

1 to come.

2 I'm one of those folks who moved away after
3 graduation from high school, and I'm one of those folks
4 that sat in Wisconsin, sitting for exams and would walk
5 over to the map and rub the Milton area and the ocean
6 that I missed and loved. So I'm very pleased to be back
7 to an area that I so deeply believe in.

8 And not only do I support them, but I have
9 kind of a vested interest in the outcome, too, because
10 my wife and I currently own the home, 301 Union Street,
11 across from the ice cream store, and have started
12 renovate that. And we look forward with great
13 anticipation to a time when we can invite all of you in
14 to see the beauty of the inside and the outside of that
15 building. And I've learned very quickly that any
16 renovation along the historic lines, you can triple what
17 it might cost. We are very pleased to see that we have
18 a new roof on the carriage house and are very proud of
19 that, but that's just the beginning.

20 As I said, I'm a retired school
21 superintendent. And I had the great opportunity to
22 serve with a great school boards in Wisconsin over my
23 35 years. And I also had the opportunity to serve on
24 college boards. I was the chairman of the Green Bay

1 Technical College Board, and I was the Vice Chairman of
2 the Madison Area Technical College Board.

3 And I applaud you folks, sitting behind the
4 desk, because your job is so oftentimes a very
5 unthankful job with, so many challenges and so many
6 difficult decisions.

7 Decision-making is so very, very
8 challenging. And as you think about it, decision-making
9 as it sits on a continuum, decision-making, as it
10 relates to voting, is often times one of the lowest
11 forms of decision-making and the greater challenges on
12 the other end the continuum. And that's where you get
13 to where Brenda was talking about in terms of trying to
14 get to consensus building and trying to get to a win-win
15 solution.

16 And I believe, based on what I've heard
17 tonight and based on what opportunity there is, there is
18 in this decision, as there is in most decisions, a
19 win-win opportunity. And there's a win-win opportunity
20 here, I believe, tonight. And it's not only winning for
21 the Town of Milton and winning for Howards, but really,
22 winning for the people that all of us hope to serve.
23 And that is the people of Milton and the surrounding
24 area.

1 And it seems to me that with health care
2 being such a critical issue, and as Leah mentioned,
3 having health care improved in a community is a huge,
4 huge asset. So I applaud your efforts and thank you for
5 your diligence and look to a win-win solution, because I
6 do believe it's out there.

7 10:08:12 UNKNOWN SPEAKER: I would like to
8 make a few brief comments. One, this request is for a
9 conditional use of the property. And personally, I
10 think I agree with those who are opposed to this in
11 terms of this being a spot zoning within a residential
12 community.

13 But I also can read the numbers of the folks
14 in the body before us. And so I would like to comment
15 in terms of a compromise, in spite of my opposition to
16 you granting this motion. Conditions -- conditional
17 approval requires conditions. And it's not just
18 conditions of the hours of the operation or the
19 lighting, but also, I think, of the design of the
20 building.

21 And I think you can put a condition on this
22 that it is conditioned upon -- I'm not sure who is going
23 to be the body, whether it's the Planning & Zoning or
24 the Council themselves -- as to an acceptable design of

1 the building.

2 I was not aware, until I got here this
3 evening and this came up, they were actually planning a
4 -- it sounds to me like a major addition to this
5 property. I thought they were going to use this
6 existing house. So I think any addition to that house
7 has to be in conformity with, really, the residential
8 character of this community.

9 And it doesn't necessarily have to be a
10 Victorian house. There are a lot of various houses in
11 this community. There are Gothics. There are
12 neo-Gothics. There's a whole bunch of things. And I'm
13 not sure what would be appropriate. I'm not an
14 architect, by any stretch of the imagination. But I
15 think an addition could be made that would complement
16 the historic character of this community. I'm not sure
17 what it would be.

18 And it's kind of like pornography. You'll
19 know it when you see it. Not to make a comparison
20 between the architecture and pornography, but it's one
21 of those things that only when you see it will you know
22 what it is.

23 The question I would ask of the doctor
24 relative to the parking issue is: What is the real

1 number of spaces you require, based on your staff and
2 based on your patient load for any given hour and
3 overlap? I suspect that 19 spaces is more than enough.
4 That could probably be much reduced.

5 A third issue, which I think ought to be
6 discussed is multiple use of existing parking spaces.
7 There is a church close by with a large parking lot.
8 Would it be too much to ask the staff to negotiate with
9 the church to use their parking spaces during the week
10 when they are not being used and thus cut down on the
11 amount of impervious surface that is going to have to be
12 added to this site?

13 I offer these as a way to compromise and to,
14 I think, get the best thing we can in that I am sure
15 that the majority of this Council is going to vote in
16 favor of this, although I would urge you not to. Thank
17 you.

18 MAYOR POST: Truitt Jefferson.

19 MR. JEFFERSON: Honorable Mayor, Members of
20 Council, I just would like to say a couple of words. I
21 own some property down the road from there, and I
22 appreciate Mrs. Hudson's comments and a lot of comments
23 that a lot of people may have made tonight. I may not
24 agree with them. I do agree about spot zoning. It's

1 bad, but sometimes it's the better deal of alternatives.

2 We have heard some people that own land in
3 town. They want to come to town to bring some business,
4 the type of business I would hope the town would want to
5 have. And I would like to -- hope that the Council
6 would see in their heart to support it. Thank you.

7 MAYOR POST: Thanks. Anybody else that
8 would like to say a comment?

9 MS. BELL: Kathy Bell from Chestnut Street.
10 The only thing I want to point out is right now it is a
11 rental property. It's not contributing to the look and
12 feel of the Town of Milton.

13 MS. BUTLER: Shiree Butler, 104 General Lane
14 in Shipbuilders. I have been a resident -- and my
15 husband -- for ten years now; not only a resident, but
16 I'm a patient of Dr. Howard's. And not to be biased,
17 I'm an employee of Dr. Howard's. I feel like the hair
18 spokesman of, you know, for men; not only am I the
19 president. But seriously, I'm not one for change. You
20 know, it takes a while for me to catch on when change
21 comes into play. I'll keep it short and sweet.

22 It will be a change. It will be for the
23 betterment of the community. And I think you haven't
24 heard enough this evening about how much coordination,

1 cooperation that these folks are willing to put forth,
2 and not even including the financial burden that they're
3 going to experience to come along and, you know, make it
4 all happen. And it benefits everybody.

5 If you have never had an ear, knows, and
6 throat problem, pray that you never do, because you'll
7 need him. Thank you.

8 (Applause).

9 MR. ERIC HOWARD: That was the conclusion of
10 the public comment. I would like to make --

11 MAYOR POST: Well, it doesn't matter, if you
12 want to comment. Why don't you just wait until the end?
13 And we'll give you the last comment. And then we'll go
14 from there, because we've got letters that have to be
15 read into the record. Thank goodness, not only yours
16 has to be read into the record, but we have a lot that
17 have to be read into record.

18 MR. BRADY: Mr. Mayor, the following letters
19 were received at Town Hall after the packets were put
20 together for Members of Council, up to the start of the
21 meeting tonight.

22 The first four letters are the same wording.
23 They have different signatures, so I'll read it once.

24 Dear Town Council Members: I believe Lesa

1 and Paul Howard should be granted the conditional use
2 approval to convert the use of the residential property
3 at 506 Union Street to use as a medical office. I
4 believe that the use is essential and desirable for the
5 general convenience and welfare of the Town of Milton
6 and would not have an adverse effect on the surrounding
7 areas and property. Sincerely -- it looks like Janet
8 Rossi, dated today; Brenda and Dennis Hughes, dated
9 today; Emory R. West, Jr., dated today; Richard and
10 Pamela Lawson, dated today.

11 June 30th, to the Town of Milton: We are
12 writing this letter on behalf of Dr. Paul Howard and his
13 petition to open an office in the Town of Milton. As
14 business owners, we feel that the Town of Milton would
15 benefit from this opening. A doctor's office does not
16 bring high traffic problems. It would not be noisy and
17 would most likely be closed in the evenings. However,
18 it would bring people to the Town of Milton to enjoy its
19 many amenities, restaurants, shopping, and scenic
20 beauty. Therefore, as business owners in the Town of
21 Milton, we would support this petition. Randall and
22 Susan Best, Best Ace Hardware.

23 This one is dated June 1, 2007. It was not
24 released -- received until -- it says June 6, 2007.

1 Deer Mayor and Council Members: I am writing this
2 letter on behalf of Lesa Howard, who desires to open a
3 medical office on the property located directly across
4 the street from my property on Union Street. Recently,
5 I received a certified letter informing me of the
6 request and her intentions. Due to my health and age, I
7 was not physically able to attend the Planning & Zoning
8 meeting to show my support. After learning that the
9 Planning & Zoning Board was not in favor, I find it
10 necessary to show my full support of their request by
11 writing a letter to Council. I would think that the
12 Town officials would be more than happy to welcome a new
13 business to town, an area surrounded by a couple of
14 churches and another medical practice and another town
15 out-of-business funeral home. The Howards' request for
16 a medical practice has my full support, and I hope the
17 Council would comply with their efforts to bring
18 business to our town. Again, I would like to say I do
19 not have any issues or complaints with their application
20 to make a medical office on their property. I have
21 lived in Milton for over 50 years and fully support the
22 request and welcome the opportunity to see them open
23 their practice here in Milton. If you have any
24 questions, please let me know. Sincerely, Pearl Argo.

1 The last letter was received June 6, 2007.
2 Mayor Don Post and Milton Town Council: I'm writing to
3 oppose any change in zoning at 506 Union Street from
4 residential to commercial. The request was properly
5 rejected by the Planning & Zoning Commission. I usually
6 support bringing new business and professionals to
7 Milton, and I would welcome Dr. Howard to any available
8 properties in areas with established commercial zoning.
9 But the proposal for 506 Union is not merely a small
10 doctor's office attached to a residence. It would be a
11 medical office complex similar to all those along
12 Savannah Road in Lewes. The new 3,200-square foot
13 building would not look like a residence, and it can
14 never become one again. It would contain seven
15 examining rooms, plus office, meeting, and storage
16 space. There would be a paved parking lot, 19 spaces
17 that would affect neighbors' draining. But more than
18 principal is involved. Milton's Main Street should not
19 be casually rezoned on a case-by-case basis. It makes
20 use development is to be allowed, it should only been
21 done with an overall plan for Union Street. We can
22 avoid the mistakes made in Lewes where residential
23 property values have suffered on Savannah Road as homes
24 were replaced by offices and businesses. This doctor

1 has many local options for his commercial practice. The
2 Town has only a few chances to set a precedent for Union
3 Street. Sincerely, Mary Ann Lester.

4 Mr. Mayor, that the concludes the reading of
5 the other documents that were not included in your
6 packet regarding this.

7 MAYOR POST: And you know, I do want to make
8 a comment, as well, that I am shocked of the reaction of
9 the immediate neighbors, and they support the project.
10 And you're not just talking about one or two. I mean
11 you're talking probably a dozen -- I mean immediate, who
12 live right next door to it, who live across the street.
13 And it amazes -- and you know, I think that, too, has
14 shocked me, just as I'm thinking through my mind here
15 with this whole issue that faces us.

16 We can go ahead and, if you want to --

17 MR. ERIC HOWARD: Very brief, one of the
18 gentlemen in public comment made a comment about parking
19 at the church. And we didn't bring it up, but in fact,
20 Pastor Simonsen suggested that possibility. He
21 supported the application so much. And if that's the
22 inclination, we are happy to do that. And he did not
23 commit to it, because he said he had to check with his
24 congregation, understandable.

1 But certainly, we are willing to do anything
2 of that nature. We are willing to revise the house,
3 make it a condition that we have to come become with
4 plans that the Council is satisfied with, if they are
5 not pleased with the aesthetic appearance of the house.

6 I will be very brief. I started out my
7 presentation by asking the public to look at the
8 Ordinance, and I think that is an appropriate place to
9 end, too. We are not asking for change of use. Your
10 Ordinance contemplates conditional uses that are of a
11 semi or public nature and serve the public need and
12 convenience and do not have an adverse impact on the
13 surrounding properties.

14 Everything we heard tonight is exactly that.
15 All surrounding property owners support the application,
16 and there will be no adverse impact. To say, oh, we
17 can't approve that, because it's not consistent with the
18 zoning, you might as well not have a conditional use
19 Ordinance. You have one. Your Ordinance says exactly
20 what we've done, and we've complied with the Ordinance
21 and its appropriate, use and it will actually serve the
22 need and convenience of the town. Thank you.

23 COUNCILWOMAN HUDSON: I ask the Town Council
24 one more time to please consider the precedent that they

1 are setting. A business could go in any street in this
2 town. It could be Mulberry Street, Orchard Street. It
3 could be Lake Drive or Carey Street. It could be Mill
4 Street, any street at all.

5 I'm not opposed to the doctor. I think that
6 this -- Dr. Brittingham obviously has wonderful
7 recommendations. And his family, the Brittinghams, have
8 a terrific history in this town.

9 To me, the issue is business in a
10 residential area. And that is the issue I will continue
11 to fight to preserve the residential areas throughout
12 this town and, as I said before, the character and
13 heritage of this town. I firmly believe that business
14 should be in commercial areas and at the town center.

15 And please, please, give a lot of thought to
16 the precedent of putting business on any street next to
17 anybody else's home. It could happen anywhere in this
18 town. This is a terrible precedent. Thank you.

19 MAYOR POST: I'm going to ask, again, from
20 Dr. Howard and his wife, is there any possible way of
21 scaling the size of this building down?

22 DR. PAUL HOWARD: Well, as I stated before,
23 this is really the size that I'm working with now. And
24 it could be scaled back, but it would have to be a

1 little. I'm not sure that it could be scaled back
2 enough to meet your thoughts on that.

3 The design, the facade, landscaping, I think
4 those are more negotiable than size. If you need -- if
5 you are an eight-foot tall fellow and you need a king
6 size bed, you can't sleep in a single bed, you know. I
7 think that the answer is to a limited degree that's
8 flexible. But the other issues that far more flexible.
9 Did I answer the question?

10 MAYOR POST: Yeah, you did. I'm still
11 thinking. But to stand -- okay. You are saying that
12 that is the max. That's the size of the building you
13 use. Then you are stating that there's definite
14 flexibility in design?

15 DR. PAUL HOWARD: That's correct. And
16 within --

17 MAYOR POST: The front of the building looks
18 great. I'll be honest. The design of the front of the
19 building looks great, I mean because you are doing some
20 change.

21 DR. PAUL HOWARD: You know, Mayor, that
22 front porch right now is enclosed with sliders.

23 MAYOR POST: Right.

24 DR. PAUL HOWARD: I think what we are

1 proposing would be far more attractive.

2 MAYOR POST: Right, I know. And the bay
3 windows --

4 DR. PAUL HOWARD: And I think that the
5 addition could also be made -- it's a complement to the
6 community. And somebody -- this gentleman brought up
7 before, there are all types of architecture. So I mean
8 the house, as it exists now, is -- would not be
9 considered Victorian or Gothic --

10 MAYOR POST: Right.

11 DR. PAUL HOWARD: -- or any of the above.

12 MAYOR POST: Okay. Okay. Do you want to
13 state the process to vote, as far as requirements?

14 MR. BRADY: Sure. Under the Zoning
15 Ordinance, 11.1.2, Conditional Uses, the following uses
16 shall be approved by the Mayor and Town Council as
17 conditional uses in any district from which they are
18 prohibited, except as otherwise provided, in accordance
19 with the procedures and standards of this Ordinance,
20 provided that the location is appropriate and that the
21 public health, safety, morals, and general welfare will
22 not be adversely effected, that adequate off-street
23 parking facilities will be provided, that they do not
24 contribute to the traffic problem on congested roads,

1 and that necessary safeguards will be provided for the
2 protection of surrounding property, persons, and
3 neighborhood values, and further provided that the
4 additional standards of this Ordinance are complied
5 with. Unless otherwise specified in this Ordinance or
6 specified as a condition for approval, the height
7 limits, yard spaces, lot areas and sign requirements
8 shall be the same as for other uses in the district in
9 which the conditional use is located.

10 This is in the R-1 district. This came
11 before the Planning & Zoning Commission.

12 The Planning & Zoning Commission, after
13 public hearing and notice, as provided in the Zoning
14 Ordinance, voted against recommending or, in the
15 alternative, disapproval of the conditional use. The
16 Town Council shall not, as contrary to such disapproval,
17 a recommendation except by a four-fifths vote. Four-
18 fifths is not otherwise defined in the Ordinances of the
19 Town of Milton. The limitations and a review of the
20 Charter, there are limitations when you have a
21 two-thirds vote. It says two-thirds of the elected
22 members of the Town Council. That appears in Article 2
23 of the Town Charter. Therefore, upon request of a
24 member of Council, it is my legal opinion that a

1 four-fifths vote of the five members present here and
2 ready to vote would require that four members would be
3 required to approve to overturn the Planning & Zoning
4 Commission's decision.

5 In voting that way, since the Planning &
6 Zoning Commission did vote against it, you would have to
7 articulate reasons in your vote, which will be done by a
8 roll call, that address all the conditional use issues
9 in 11.1.2, including but not limited to the location
10 being appropriate, health, public health, safety,
11 morals, and general welfare will not be adversely
12 affected, adequate off-street parking facilities will be
13 provided, that the new conditional use would not
14 contribute to the traffic problem on congested roads,
15 and that necessary safeguards will be provided for the
16 protection of surrounding property, persons, and
17 neighborhood values, and further provided that the
18 additional standards of the ordinances, of the Zoning
19 Ordinances of the Town of Milton will be complied with.

20 If you vote to support the Planning & Zoning
21 Commission's recommendation, you would have to state in
22 the vote that you support their recommendation and you
23 request to deny the conditional use. You would not need
24 to go to further elaboration as part of the record for

1 your support.

2 Mr. Mayor, is that the explanation you were
3 seeking on the vote?

4 MAYOR POST: Uh-huh. What is your pleasure,
5 Council?

6 COUNCILWOMAN ABRAHAM: I would like to make
7 a motion to support the conditional use of Dr. Howard's
8 office located at 506 Union Street.

9 COUNCILMAN PRETTYMAN: Second.

10 MAYOR POST: And then do we --

11 COUNCILMAN PRETTYMAN: And then you do
12 the --

13 MR. BRADY: You would have to add the
14 conditions as part of your discussion as an amendment to
15 the motion. If you should decide 10:30:42
16 (unintelligible) conditions.

17 MAYOR POST: Okay. We now have a motion and
18 a second to conditional use for Parcel 2-3514.15-16.00,
19 Applicants Lesa and Dr. Paul Howard. Discussion to the
20 motion that's on the floor?

21 I would like to -- Is this when I discuss
22 the conditional uses? And I think this is going to be
23 very important. We need to think through this, on what
24 conditions that we need to apply. And these are ones

1 that I would like to see placed on the parcel if it is
2 approved.

3 One, design of the building to meet
4 requirements of the Town Council by submitted plans with
5 regard to color, structure, and design. Two, upon sale
6 of the property, the building will be converted to a
7 residence. Three, the paved parking lot will be removed
8 by owners' expense to meet residential conditions prior
9 to it being sold. Four, the property can never be sold
10 as a commercial building. Five, the deed will restrict
11 all provisions of restrictions. Six, the hours will be
12 restricted from Monday through Friday, nine to five,
13 with no Saturday and Sunday operations. And seven, at
14 the owners' expense will be requested to obtain a new
15 deed with all the above restrictions.

16 COUNCILWOMAN BETTS: Mayor?

17 MAYOR POST: Yes.

18 COUNCILWOMAN BETTS: Doesn't the conditional
19 use -- when it is sold or changes hands, doesn't it
20 automatically go back to the regular?

21 MAYOR POST: I still think I would like to
22 see it, for me. I would like to see this as a
23 conditional use, restricted to assurance. And it will
24 even reflect that in the deed, because for years, things

1 get lost in the shuffle.

2 COUNCILMAN PRETTYMAN: Mr. Mayor, could you
3 go back over four and five for me? I missed it.

4 MAYOR POST: Property can never be sold as a
5 commercial building.

6 COUNCILWOMAN ABRAHAM: Okay.

7 MAYOR POST: Five, deed will restrict all
8 provisions of restrictions.

9 COUNCILWOMAN ABRAHAM: Okay. Can you think
10 of anything else?

11 10:33:52 UNKNOWN SPEAKER: (Unintelligible).

12 MAYOR POST: It doesn't matter. It isn't
13 going to hurt to put that into as a written, formal
14 condition, even though it may convert back in 30 years
15 from now, when we are dead. Nobody's going to know it,
16 anyways.

17 COUNCILWOMAN BETTS: Well, they're going to
18 have new laws, too.

19 10:34:12 (unintelligible).

20 MAYOR POST: I don't know. I might die --
21 who knows -- in 30 years.

22 COUNCILMAN PRETTYMAN: You're going to stick
23 around more than 30 years. You're younger than I am.

24 MAYOR POST: But Councilwoman Betts, all I'm

1 saying is it is your -- it does not hurt to put that
2 extra condition in there. Yes, it does convert. But
3 I've seen numerous things in this town where it does get
4 lost.

5 COUNCILWOMAN BETTS: But if we go back -- if
6 we go by the ordinances, is it going to go back.

7 MAYOR POST: That's fine. But these are
8 conditional uses that I'm laying on the table. And
9 ordinances can change. And I think they are fair
10 conditions, considering what we are up against.

11 MR. KERR: Mr. Mayor, one last point?

12 MAYOR POST: Sure.

13 COUNCILMAN PRETTYMAN: He said one last
14 point.

15 MR. KERR: Bob Kerr. Ordinance 11.1.3 --
16 I'm sorry -- Section 11.1.3 of the Zoning Code,
17 paragraph e, basically states -- and I'll read it exact;
18 that might be better -- in the case where a conditional
19 use has been approved, a building permit shall be issued
20 after the granting of the conditional use by the Town
21 Council, and then only in accordance with the terms and
22 conditions of the conditional use permit, end quote.

23 As a point of clarification, does Council
24 desire that this go back before Planning & Zoning for

1 the typical landscaping, parking, those type of things?
2 Or is it only going to be handled by Council? I just
3 wanted to make sure it was clear --

4 MAYOR POST: No, I --

5 MR. KERR: -- which way you wanted to
6 proceed. Thank you.

7 MAYOR POST: I would think it should go to
8 the -- You tell me different, Solicitor. But I would
9 say it should go back to Planning & Zoning and then come
10 back to us, because we would --

11 MR. BRADY: In reading the --

12 COUNCILWOMAN HUDSON: It depends on the
13 vote.

14 MR. BRADY: -- e, that it would be
15 practically appropriate to send it back to
16 Planning & Zoning after the approval of the new issuing
17 a permit, because no preliminary site plan was done at
18 the hearing, although it was noticed at the Planning &
19 Zoning Committee, when Planning & Zoning denied the
20 application, they did not go forward with the
21 preliminary site plan review.

22 Since conditional uses are so far as to be
23 as practicable to follow the procedures, it would be
24 appropriate that if you did approve it tonight, to send

1 it back to Planning & Zoning for site plan review.

2 My only concern with the conditions you have
3 put on there, number one, neither Planning & Zoning nor
4 Town Council in the past has ever legislated color. And
5 so therefore, that would be something new that you would
6 be doing that there is no precedent for. And since
7 there is no Ordinance that establishes that, that could
8 cause the decision of the Town Council to be reviewed by
9 a Superior Court judge and sent back as violating the
10 Ordinance.

11 You can talk about the materials. You can
12 talk about other design things within reason. But color
13 is something that traditionally has not been able to be
14 established through an Ordinance. So I would suggest
15 deleting that.

16 MAYOR POST: I will delete color and add
17 architecture.

18 MR. BRADY: Architecture is not currently
19 covered under our zoning, our Zoning Ordinance. It's
20 been suggested, but it's not there yet.

21 MAYOR POST: But design will cover
22 architecture?

23 MR. BRADY: Design puts it back into the
24 prerequisites of the preliminary site plan, which has

1 over 25 different items into review by Planning & Zoning
2 to show compliance.

3 MAYOR POST: And if color and architecture
4 was in there, would it only be that it would be an issue
5 that it could be challenged if the Applicants took that
6 action?

7 MR. BRADY: My concern would be is that
8 those words in itself could be sufficient for a Superior
9 Court judge to say you've exceeded what you can do.

10 Friday, a Superior Court judge involving
11 that application on a writ of certiorari involving the
12 Town of Elsmere reversed and directed the Town Council
13 to issue the permit when they found the Town Council was
14 arbitrary and capricious in denying something that was
15 permitted under their uses.

16 I always recommend that town councils are
17 not arbitrary or capricious and do not exceed their
18 legislative abilities.

19 MAYOR POST: But isn't that a conditional
20 use, is putting it in as a condition that might not
21 necessarily be -- I mean we don't set the time of hours,
22 either. But we place it in this conditional use.

23 MR. BRADY: You can set the time of hours
24 for a business in a conditional use. You cannot,

1 however, legislate color or the style of architecture.

2 MAYOR POST: No, I'm dropping color. But
3 design really can cover --

4 MR. BRADY: You can recommend that the
5 design fit in better with the community, the neighboring
6 houses. You cannot mandate good taste.

7 MAYOR POST: The design -- Okay. The design
8 of the building to meet requirements of the Town Council
9 and should be in character with the existing residential
10 use.

11 10:40:10 (unintelligible).

12 MAYOR POST: It is a -- Councilwoman, it is
13 a condition. I mean if you want to put it in this
14 condition --

15 COUNCILWOMAN BETTS: No. But it is not in
16 the -- what I'm saying, it's not in the business
17 district, anyway.

18 MAYOR POST: Well, that's why it needs a
19 conditional use more than ever.

20 COUNCILWOMAN BETTS: Yeah. Well, it has a
21 conditional use. But when you make them pay a fee for
22 another deed to go get another deed to not sell it as a
23 commercial place, it's not a commercial area.

24 MAYOR POST: That's the business -- the cost

1 of doing business. I mean the thing is, if it is not in
2 the deed, the person, when it goes to be sold or to go
3 10:40:42 (unintelligible), it will not be captured. I'm
4 telling you it. I've seen it for many, many years. The
5 issue is -- it shouldn't be an issue with the
6 Applicant --

7 COUNCILWOMAN BETTS: That's right.

8 MAYOR POST: -- because it speaks for itself
9 in the Ordinance.

10 COUNCILWOMAN BETTS: Right.

11 MAYOR POST: So to put a conditional use
12 that is compatible to the Ordinance, I don't see what's
13 the big issue.

14 COUNCILWOMAN BETTS: Well, it could be put
15 in there as it will never be sold as a conditional
16 business. But that would come under the Town, not them.

17 MAYOR POST: The conditional use is for
18 them. Then they will know, and anyone doing any deed
19 search would know that it is a residential property.

20 You know, this is the conditional use on the
21 table. So it's up to you. You want the conditional
22 use, or you don't want the conditional use. These are
23 what I am proposing as conditional uses for me to even
24 consider this.

1 COUNCILWOMAN ABRAHAM: I'm ready to vote.

2 MAYOR POST: I think it's fair. I don't
3 think it's asking too much. Many towns have design
4 control. Many cities have design control.

5 COUNCILWOMAN BETTS: I think design is fine.

6 MAYOR POST: Uh-huh. Well, I don't think
7 it's too much to ask to have it -- put it right into the
8 deed. I mean you're not talking about much money.

9 10:42:15 (Unintelligible).

10 MR. BRADY: There's a motion and a second.
11 There's discussion, is what they are doing now. And the
12 Mayor, I think, has proposed some conditions.

13 MAYOR POST: And I've removed the one that
14 was in question, the color and the -- and I wanted
15 architecture. You won't allow me to have that. So we
16 have gone to structure and design. And I guess design
17 can be self-interpretation when it comes back in front
18 of us.

19 COUNCILMAN PRETTYMAN: Mrs. Betts, is it the
20 deed part that you're --

21 COUNCILWOMAN BETTS: The deed is what I'm
22 concerned -- I don't think they should have to get a new
23 deed before they sell it to put that in it that they
24 cannot sell it as a commercial. They're not going to be

1 able to sell it anyway. This is only a conditional use.
2 It's not going to be permanent. It's only a conditional
3 use. And it cannot be --

4 MAYOR POST: Things get lost as time moves
5 forward. Zoning can change, so forth and so forth.
6 This is -- you know, I bought a property in Richmond
7 years ago, a historic property. And I had to have a
8 deed change and put in certain conditional uses on that
9 property.

10 COUNCILWOMAN BETTS: But it's a conditional
11 use, is what my concern is. You know, I'm not saying
12 you're not right.

13 MAYOR POST: For it to be recorded is the
14 request.

15 COUNCILWOMAN BETTS: But I just don't think
16 that it -- that they would have to get a deed to --

17 MAYOR POST: Seeing the past and, you know,
18 we are not talking about but a few hundred dollars for a
19 deed.

20 MR. BRADY: I wish you could have the
21 Applicant address those conditional use --

22 COUNCILWOMAN BETTS: Yeah, ask them.

23 MAYOR POST: That's fine. That can make or
24 break the decision.

1 MR. ERIC HOWARD: My only concern 10:43:46
2 (unintelligible) it says that -- in fact, I don't think
3 I have a problem with being -- I want to be clear that
4 it's not forever. I mean --

5 COUNCILWOMAN BETTS: That's right.

6 MR. ERIC HOWARD: This says the Council
7 granted a conditional use. The Council could do
8 something else.

9 COUNCILWOMAN BETTS: That is true.

10 MR. ERIC HOWARD: We can't predict the
11 future.

12 COUNCILWOMAN BETTS: That's right.

13 MAYOR POST: Right.

14 MR. ERIC HOWARD: And I wouldn't agree to
15 it, like if we were in a neighborhood, to say this
16 property can never be used 10:44:21 (unintelligible).
17 We don't -- as long as it says unless you come back to
18 Council --

19 COUNCILWOMAN BETTS: Exactly.

20 COUNCILWOMAN ABRAHAM: And request a
21 variance.

22 MR. ERIC HOWARD: -- we wouldn't have a
23 problem with that. And we wouldn't be spending the
24 money.

1 COUNCILWOMAN BETTS: Yeah. I agree with
2 that.

3 MR. ERIC HOWARD: I don't think Council has
4 the power to impose restrictive zoning on properties --

5 COUNCILWOMAN BETTS: I don't either.

6 MR. ERIC HOWARD: -- outside the context of
7 zoning.

8 COUNCILWOMAN BETTS: I don't either.

9 MR. ERIC HOWARD: And as long as it's in
10 the context of zoning, it's just fine.

11 COUNCILWOMAN BETTS: 10:44:47
12 (unintelligible).

13 MAYOR POST: We're not changing it,
14 Councilwoman Betts, for the rest of its life. We are
15 10:44:54 (unintelligible) because we have people in
16 front of us saying that they are coming in front of us
17 with a conditional use --

18 COUNCILWOMAN BETTS: Right.

19 MAYOR POST: -- saying that they're not
20 changing the property, that it can be used at any time
21 as a residence, convert easily back to a residence.

22 COUNCILWOMAN BETTS: Well, it has to,
23 according to our conditional use. It has to go back to
24 what it was original --

1 MAYOR POST: So then what's the issue?

2 MR. BRADY: I think between -- Councilwoman
3 Betts, the Applicant, and Mayor, I think the issue can
4 be construed as following: I think that everyone will
5 agree to the language that as of, insert date, a
6 conditional use was granted for the property to be used
7 as a doctor's office. Upon the sale of such property,
8 the conditional use will expire --

9 COUNCILWOMAN BETTS: That's right.

10 MR. BRADY: -- and unless the property is
11 currently zoned residential, if the zoning changes, a
12 zoning change would have to be necessary to sell the
13 property or for a commercial use, something along --

14 COUNCILWOMAN BETTS: Or commercial, exactly.

15 MR. BRADY: -- that language.

16 MAYOR POST: I'll vote for that.

17 MR. BRADY: Okay. Do you have a problem
18 with that, Mr. Howard?

19 MAYOR POST: I'll vote for that.

20 COUNCILWOMAN BETTS: And that's --

21 MR. ERIC HOWARD: 10:46:05 (unintelligible)
22 type of zoning the Howards are zoning.

23 MR. BRADY: Correct.

24 MAYOR POST: That's fine. I'll go with that

1 one.

2 COUNCILWOMAN BETTS: And I agree with that,
3 because that's the way I wanted it to start with.
4 That's fine.

5 MAYOR POST: I'll go with that one.

6 MR. BRADY: I was speaking there. I guess,
7 somebody knows a little bit about deeds.

8 COUNCILWOMAN BETTS: Yes, exactly.

9 MAYOR POST: Okay. You have a motion and a
10 second. Now, what do we have to do? Amend to the
11 conditional uses?

12 MR. BRADY: You're going to ask to move --
13 if the adopted conditional uses as just discussed, with
14 the change in number three regarding the deed to include
15 that discussion you just had. That would be number
16 five.

17 MAYOR POST: Uh-huh.

18 COUNCILWOMAN ABRAHAM: So I need to amend my
19 motion to grant the conditional use at 506 Union Street,
20 which is Sussex County Map Parcel 2-35-14.15-16.00 to
21 include the mentioned restrictions and the change to
22 number five, deed will restrict all provisions of -- I
23 can't read this sloppy writing --

24 COUNCILWOMAN BETTS: Restrictions.

1 COUNCILWOMAN ABRAHAM: Oh, restrictions.

2 MR. BRADY: I guess that's what -- I'm
3 sorry.

4 COUNCILWOMAN BETTS: That's not right.

5 MR. BRADY: I thought you were reading from
6 number one.

7 COUNCILWOMAN BETTS: That's not --

8 MAYOR POST: That's fine. Just read it into
9 the record.

10 MR. BRADY: Number five will be revised to
11 say: Deed will reflect the date of the conditional use,
12 and the conditional use will expire with the sale of the
13 property and that the property is currently zoned R-1
14 residential.

15 COUNCILWOMAN ABRAHAM: So moved, so moved.

16 COUNCILMAN PRETTYMAN: So moved.

17 COUNCILWOMAN ABRAHAM: We need a second.

18 MR. BRADY: Roll call vote with reason.

19 MAYOR POST: We will do roll call votes with
20 reason or reasons. Councilwoman Hudson.

21 COUNCILWOMAN HUDSON: I vote no on the
22 motion to grant conditional use permit for Dr. Howard.
23 I support the Planning & Zoning's recommendation when
24 they denied a conditional use permit. I believe, as

1 I've said before, it sets a terrible precedent, because
2 following this, there could be a business built next to
3 any house in this town and just call it a conditional
4 use. And I do not support that. It's almost -- it's
5 unrestricted. In a sense, it's almost unrestricted. So
6 I vote no.

7 MAYOR POST: Okay. Councilman Prettyman.

8 COUNCILMAN PRETTYMAN: I vote for Dr.
9 Howard, as the neighbors surrounding him have agreed
10 that they feel that it is a good thing. I feel that it
11 is a good thing for the community. And I just think
12 this is the time we need something. It's there. And
13 he's going to basically going to follow the
14 recommendation that has been set up and when going
15 to Planning & Zoning and everything. So I support
16 Dr. Howard.

17 MAYOR POST: Councilwoman Abraham.

18 COUNCILWOMAN ABRAHAM: I vote for -- I
19 support it. It think it answers the needs for many with
20 the services it brings to town, as well as promotes
21 revenue as a whole for different businesses that are
22 within the town, and it may even bring new business to
23 the dying Downtown that everyone has so often spoke of.

24 I think most importantly, also, it shows

1 that the residents of the town try to take care of each
2 other. Most importantly, they try to take care of their
3 own. I think that's a pretty good community to stay
4 with.

5 MAYOR POST: Councilwoman Betts.

6 COUNCILWOMAN BETTS: I approve the
7 conditional use at 506 Union Street for the reasons that
8 the number of the people in that area have asked to
9 approve this project for their benefit and they're very
10 anxious to have it, the number of people that it will
11 bring to the town and who will patronize our business
12 and will bring in extra revenue.

13 There is a doctor's office, also, three
14 doors down the street. And the Applicant seems to be
15 willing to compromise with the town. And there are
16 enough parking spaces and lighting for the safety of the
17 patients and the neighbors.

18 MAYOR POST: I have given this a lot of
19 thought, because I certainly have changed my decision --
20 and I'll be honest -- when I was coming in here tonight.
21 I vote for it. And the reasons are that there is
22 existing offices. There's two provider offices within a
23 block from this parcel. I also think it's important
24 that when you have the sound investment of somebody who

1 has a great track record, who proves himself that he is
2 genuine and has made a career for himself and that he's
3 willing to relocate from an area that used to be a big
4 trend setter for this state and now is interested to
5 hang his shingle in Milton, I admire that. And I've had
6 to take a lot of -- tonight I've had to take -- because
7 you know what? You make a lot of enemies when you vote.
8 You can't make everybody happy. But I've got to vote
9 what I believe. And I do believe this is an asset for
10 the Town of Milton.

11 So motion carried.

12 (Applause).

13 MR. BRADY: 10:54:23 (unintelligible).

14 MAYOR POST: Yeah. And we have two items
15 left on the agenda that we still need to -- We have the
16 Tree Ordinance that we need a motion to send over to
17 P & Z?

18 MR. BRADY: Yes.

19 MAYOR POST: Over to Planning & Zoning.

20 COUNCILMAN PRETTYMAN: So moved.

21 MAYOR POST: Okay. We have a motion. Do we
22 have a second?

23 COUNCILWOMAN ABRAHAM: Second.

24 MAYOR POST: So we have a motion and a

1 second. Any discussion to the motion? All in favor,
2 say aye.

3 COUNCILMAN PRETTYMAN: Aye.

4 COUNCILWOMAN ABRAHAM: Aye.

5 COUNCILWOMAN BETTS: Aye.

6 COUNCILWOMAN HUDSON: Aye.

7 MAYOR POST: Motion carried. We also have
8 the Historic District Commission proposal, and we need
9 to send that to the Board of Adjustment/Historic
10 District Commission for review.

11 COUNCILWOMAN BETTS: I make a motion to send
12 that to Planning & Zoning/Historic --

13 MAYOR POST: Do we have a motion and a
14 second?

15 COUNCILMAN PRETTYMAN: I second it.

16 MAYOR POST: Okay. Any discussion to the
17 motion? All if favor, say aye.

18 COUNCILMAN PRETTYMAN: Aye.

19 COUNCILWOMAN ABRAHAM: Aye.

20 COUNCILWOMAN BETTS: Aye.

21 COUNCILWOMAN HUDSON: Aye.

22 MAYOR POST: Aye. Opposed? Motion carried.
23 We need a motion to adjourn.

24 COUNCILMAN PRETTYMAN: So moved.

1 MAYOR POST: I have a motion to adjourn. Is
2 there a second?

3 COUNCILMAN PRETTYMAN: Second.

4 COUNCILWOMAN BETTS: Second.

5 MAYOR POST: All in favor, say aye.

6 COUNCILMAN PRETTYMAN: Aye.

7 COUNCILWOMAN ABRAHAM: Aye.

8 COUNCILWOMAN BETTS: Aye.

9 COUNCILWOMAN HUDSON: Aye.

10 MAYOR POST: Aye. Motion carried.

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1 State of Delaware.)
2 Kent County)

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5 CERTIFICATE OF REPORTER

6 I, Cheryl A. Anthony, Delaware Certified Shorthand
7 Reporter and Notary Public, do hereby certify that the
8 foregoing record, pages 1 to 196 inclusive, is a true
9 and accurate transcript of my stenographic notes, taken
10 to the best of my ability via audio recording, from the
11 hearing taped on July 2, 2007, in the above-captioned
12 matter.

13

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 and seal this ____ day of _____ 2007.

16

17

18

19

20 _____
Cheryl A. Anthony
21 Delaware CSR
Certification No. 107-PS
22 (Permanent Certification)

23

24